



Alexander Ponomariov

The Visible Religion

The Russian Orthodox Church
and her Relations with State and Society
in Post-Soviet Canon Law (1992–2015)



PETER LANG
EDITION

The Visible Religion

ERFURTER STUDIEN ZUR KULTURGESCHICHTE DES ORTHODOXEN CHRISTENTUMS

Herausgegeben von Vasilios N. Makrides

BAND 14

*Zu Qualitätssicherung und Peer Review
der vorliegenden Publikation*

Die Qualität der in dieser Reihe
erscheinenden Arbeiten wird vor der
Publikation durch den Herausgeber
der Reihe in Zusammenarbeit mit
externen Gutachtern geprüft.

*Note on the quality assurance and peer
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Prior to publication, the quality of
the works published in this series
is reviewed by the editor in
collaboration with external referees.

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Bibliographic Information published by the Deutsche Nationalbibliothek

The Deutsche Nationalbibliothek lists this publication in the Deutsche Nationalbibliografie; detailed bibliographic data is available in the internet at <http://dnb.d-nb.de>.

Zugl.: Passau, Univ., Diss., 2016

Library of Congress Cataloging-in-Publication Data

A CIP catalog record for this book has been applied for at the Library of Congress

Cover Photo:

Vladimir Putin and the world's Orthodox Church Primates in the Kremlin, June 2013
Photograph by Sergei Vlasov / Press Service of the Patriarch of Moscow and All Rus'
Courtesy of the Press Service of the Patriarch of Moscow and All Rus'

D 739

ISSN 1612-152X

ISBN 978-3-631-73512-1 (Print)

E-ISBN 978-3-631-73513-8 (E-PDF)

E-ISBN 978-3-631-73514-5 (EPUB)

E-ISBN 978-3-631-73515-2 (MOBI)

DOI 10.3726/b11829

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Internationaler Verlag der Wissenschaften

Frankfurt am Main 2017

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Peter Lang – Frankfurt am Main · Bern · Bruxelles · New York ·
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This publication has been peer reviewed.

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Acknowledgements

This book came to be as a Ph.D. dissertation submitted at the University of Passau, whose text was revised and updated. I am thankful to the colleagues who contributed to the fruition of this work by word and deed: Prof. Dirk Uffelmann (Passau), for his invaluable academic guidance throughout the writing process; Prof. Vasilios N. Makrides (Erfurt), for inviting me to Erfurt to partake in a specialized colloquium on Orthodox Christianity in 2014 that gave me further incentive and insight, for his professional comments on my text and proofreading my translations from Greek, as well as for turning my manuscript into a book in the Peter Lang series; Prof. Thomas Wünsch and Prof. Sandra Hübenthal (both Passau), for discussing with me and commenting on some chapters thereof; Dr. Yan Chen (Passau), for checking my translation from Chinese; Dr. Graham Neil Jackson (Passau), for proofreading my translations into Early Modern English, i.e., the language of Shakespeare and the King James Bible; my language correctors, among them Barry Franklin, for carving out time in their busy schedules in order to brush up the English of my text. All errors are of course mine.

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Selected Abbreviations

Acts	Book of Acts of the Apostles
Cor	Epistle to the Corinthians
CIS	Commonwealth of Independent States
Deut	Book of Deuteronomy
DSS	Dead Sea Scrolls
Eph	Epistle to the Ephesians
Exodus	Book of Exodus
FMS	Federal Migration Service
Gal	Epistle to the Galatians
Gen	Book of Genesis
HRD	Human Rights Discourse
Jn	Gospel according to John
JOC	Japanese Orthodox Church
Lev	Book of Leviticus
Lk	Gospel according to Luke
LOC	Local Orthodox Church
Mal	Book of Malachi
Mk	Gospel according to Mark
Mt	Gospel according to Matthew
MT	Masoretic Text of the Hebrew Bible
Peter	Epistle of Apostle Peter
Phil	Epistle to the Philippians
RCC	Roman Catholic Church
Rev	Book of Revelation
ROC	Russian Orthodox Church
ROCA	Russian Orthodox Church Abroad
Rom	Epistle to the Romans
Tim	Epistle to Timothy
Tit	Epistle to Titus
Thes	Epistle to the Thessalonians
UOC	Ukrainian Orthodox Church

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Foreword

As a country and culture, the Russian Federation acquired a fresh point of focus across the globe in early 2014, following the political crisis in Ukraine.¹ The subsequent partnership with China, an active participation in solving the Iranian nuclear problem and lifting the Iran embargo in 2015, and a military operation in Syria significantly contributed to the need of reevaluating the Russian Federation as a phenomenon, searching for its internal drivers.

Among such drivers, it has been noted that the incumbent Russian president, Vladimir Putin, maintains close contacts with religious communities of the country and their leaders, including the largest religion in the Russian Federation, the Russian Orthodox Church (ROC), which extends her influence far beyond both the actual religion and the state boundaries, representing one of the keys to understanding modern Russia.² The interaction between the ROC and the state in post-Soviet Russia in the form of a close cooperation quickly became a norm, and the Kremlin actively appeals to religious images and figures of speech in its official rhetoric, shrugging off the erstwhile “pure” secularism and attaching more attention to post-secular models of coexistence. In this connection, the analysis of recent documents of the ROC on relations with state and society, apart from providing new insights for the academic discipline, is a timely initiative in the political sense as well.

For example, the primate of the ROC, Patriarch Kirill, on the background of a close cooperation between Moscow and Tehran, achieved in July 2015 a release from prison of an Iranian Protestant pastor who had been accused by the Iranian authorities of acts threatening the national security of the Islamic Republic of Iran (Pastor 2015). The fact that the Orthodox Patriarch takes care of non-Orthodox Christians in countries in which Islam is the dominant religion and his achievement of practical success in his endeavor evidences global theopolitical ambitions and geotheological opportunities of the ROC leadership. Undoubtedly, this success is impossible without the help of the Russian government.

1 See Katchanovski 2016; Charap/Colton 2017; Dzhangirov 2017 on various aspects of the issue.

2 Cf.: “Despite the centrality of religion to Russia’s post-Soviet development, Western scholars habitually overlook the Orthodox Church’s influence” (Knox 2010: 8; cf. Papkova 2011: 5).

The Moscow Patriarchate, in turn, is capable of doing favors for the Kremlin, which is illustrated by an official visit of Patriarch Kirill to Beijing in May 2013, during which the Patriarch was able to travel on Air Force One and converse for two hours – not just about religion – with the President of China, Xi Jinping; as well as by the meeting of Metropolitan Ilarion with the Vice President of the United States of America, Mike Pence, in May 2017 (see section 7.3.1).

In June 2016, the first All-Orthodox Council since the 8th century C.E. took place in Greece and adopted a few documents for all the Orthodox (e.g., Missiia 2016; Encyclical 2016). Some of these documents were evidently influenced by the ROC canon law (cf. Agadjanian 2016), discussed herein. A fuller analysis, however, will be performed in another publication.

1. Introduction

In July 2013, high representatives of all Local Orthodox Churches (LOCs) of the world came to Russia to celebrate 1025 years of its baptism. On July 25, Vladimir Putin, the President of the Russian Federation, held a ceremonial meeting in the Kremlin with the hierarchs of the world's Orthodoxy (Vstrecha 2013).³ Despite the fact that 1025 is not a milestone birthday, the ROC under Patriarch Kirill managed to arrange the fullness of Orthodox presence in the “Third Rome,” unexperienced by Russia before.⁴ The closest analogy to this event, though weaker in terms of representation, was the pan-Orthodox Meeting of 1948, held in Moscow, dedicated to 500 years of the ROC's autocephaly (see section 4.3.2). The somewhat “overstretched” 1025 jubilee vividly emphasized the role of the ROC both in Orthodox Christianity and in Russian polity.

No other LOC can evidence this degree of “Byzantine” splendor. On the one hand, after the fall of the communist rule, when the ROC received independence from the state pressures and Communist Party ideology, there passed only two full decades, during which time the development of the Church in Russia has been deemed “unprecedented in scope”⁵ (Sovet 2013: 19),⁶ despite the Church's growing public importance being not quite what sticklers of “pure” secularism might prefer.⁷ On the other hand, the new social and political constellation in the

3 See the picture on the book cover.

4 «Впервые в Кремле собрались Предстоятели и иерархи всех 15 автокефальных Православных Церквей» (Vstrecha 2013) [“For the first time ever, the Primates and hierarchs of all 15 autocephalous Orthodox Churches have gathered in the Kremlin”]. There are 14 autocephalous Orthodox Churches in the world (Kyrlezhnev 2016: 99; Encyclical 2016: I.5). The 15th Church mentioned is *The Orthodox Church in America*, whose status is not recognized *de jure* by some of the fourteen, although it is not contested *de facto*.

5 «Беспрецедентное по своим масштабам развитие церковной жизни».

6 Cf.: “Certainly, the ROC of 2008 is a world apart from the state of it in 1990” (Simons 2009: 223).

7 Cf.: «В последние годы наша Церковь заметно активизировалась, и это вызывает сильное раздражение у людей, предпочитающих жить в мире без Бога. Среди них ведь есть и такие, кто считает, будто именно их представление о мироустройстве является единственно правильным, а всё остальное – ошибка, заблуждение, мешающее человеческому развитию» (Kirill 2015b) [“Over the recent years, our Church has significantly become more active, and this causes strong annoyance of the people who prefer to live in a world without God. Among them, there are those who

countries of the former USSR created a number of challenges for the ROC. For example, the Church had to go through uncharted waters of mundane “temptations,” when the Moscow Patriarchate was engaged in privileged tobacco and alcohol imports of the 1990s (Ilarion 2009; Knox 2010: 122–123), which became a blemish on its reputation.

After the collapse of the USSR, the ROC received an opportunity to perform her mission “freely, openly, and powerfully” (Kirill 2013e: 17).⁸ The canons adopted after 1991, for the first time in the history of the LOCs (Richters 2013: 19; Agadjanian 2014: 133), explicitly express the ROC’s attitude to a range of publicly relevant problems. The canonic activity of the ROC in the recent years by far exceeds that of the previous period (cf. Sovet 2013: 19). Under Patriarch Kirill, who was enthroned in early 2009, the list of canonic documents on topical public issues has been substantially enlarged, revealing “the pulse of the modern life of Orthodoxy” (Kirill 2013e: 18).⁹ This activity bears tangible signs of a comprehensive and well thought-over cultural program of the Moscow Patriarchate.

1.1. Object

The object of my research is the canon law of the ROC (the Moscow Patriarchate) on relations with state and society, which came into force after the collapse of the USSR in late December 1991. Modern Russian Orthodox canon law, unlike the canons of the pre-modern Church, exists in the form of mandatory corporate instructions, principles of attitude, official positions, public addresses, circular letters, and theoretical concepts. Occasionally, it contains strict prohibitive provisions that are linked consistently to ancient canons, whereas the new post-Soviet ones are substituted by politically correct formulas such as “should” (*должны*), “should not” (*не должны*), or “inadmissible” (*недопустимо*). This organization of ROC canon law reflects the influence of modernity upon the Church that lives and acts in a post-secular environment (see section 1.9). Furthermore, I focus not on all the aspects of canon law but only on the ROC’s codified relationship with state and society, that is, the external relations from the Church perspective.¹⁰ Many of these

believe that their idea of the universe is the only true one, whereas the rest is just a mistake, a delusion, standing on the way of human development”].

8 «Русская Православная Церковь получила возможность свободно и открыто, в полную силу осуществлять своё служение».

9 «Пульс современной жизни Православия».

10 The canon law pertaining to internal Church affairs (cf. Zapreshchenie 2014) is not considered herein.

provisions were adopted during the presidency of Vladimir Putin under two Moscow Patriarchs, one of whom, Kirill, is the incumbent leader of the ROC. Some documents are quite conventional; others, on the contrary, are unprecedented.

1.2. Definitions and Terminology

1.2.1. Canon Law

Russian Church scholars use two definitions of church-related law, “canon law” or *jus canonicum* (каноническое право) and “Church law” or *jus ecclesiasticum* (церковное право). Some of them distinguish these definitions as pertaining to different areas in terms of both origin and time. Under this approach, “canon law” implies law adopted during the era of the Ecumenical Councils by the Church authority, whereas “Church law” means later legislation irrespective of the lawmaker, including state laws concerning the Church (Tsylin 2012: 84; Suvorov 1889: 13). Others use the two definitions interchangeably (Tsylin 2012: 86). Given that the law of the ROC in the post-Soviet period originates directly from the Church as its utmost and only authority, and because this law is based on and formally may not contradict the inherited ancient canons, I call it here canon law.

1.2.2. The ROC and the Moscow Patriarchate

The applicable Statute of the ROC employs as interchangeable two official names for the Russian Church, *The Russian Orthodox Church* and *The Moscow Patriarchate* (Ustav 2013: I.2). However, the Statute makes a terminological distinction between *The Moscow Patriarchate* (Московский Патриархат), as a LOC, and *The Moscow Patriarchy* (Московская Патриархия), as a number of departments that are subordinated directly to and managed by the Patriarch himself (Ustav 2013: VIII.1).

1.2.3. The ROC and the ROCA

Московский Патриархат includes the so-called Russian Orthodox Church Abroad (*Русская Православная Церковь Заграницей*) as a canonic subdivision, which must be distinguished from the ROC *per se*. The ROCA is a self-governed structure within the Moscow Patriarchate since 2007 (Akt 2007; Polozhenie 2008).¹¹ Before that, the ROCA existed as an autonomous *émigré* community of

11 «Русская Православная Церковь за границей пребывает неотъемлемой самоуправляемой частью Поместной Русской Православной Церкви. Русская Православная

the Russian Orthodox dioceses in the Western countries based on the order of Patriarch Tikhon, issued in 1920. As such, the ROCA has always been royalist and anti-Bolshevik, representing the “White” parties of the Civil War constellation (1918–1922), who fled from Russia and organized a parallel jurisdiction. As I attempt to show here, the ROC center in Moscow in the early post-Soviet period had to consider in its canon law the anti-Communist positions of the ROCA, reflected, for instance, in the canonization of the last Romanovs and the famous reservation on civil disobedience (see section 5.6.2). The ROCA administrative center is currently in New York, USA. As a separate unit, the ROCA is not subject in full to ROC canon law (cf. Polozhenie 2008),¹² tackled herein, and has to be excluded from the present study (cf. Polozhenie 2008).¹³ This ambiguity

Церковь Заграницей самостоятельна в делах пастырских, просветительных, административных, хозяйственных, имущественных и гражданских, состоя при этом в каноническом единстве со всей Полнотой Русской Православной Церкви, согласно положениям Акта о Каноническом Общении, утверждённого Архиерейским Собором 2/15 мая 2006 г. и подписанного 4/17 мая 2007 г.» [“The Russian Orthodox Church Outside of Russia is an inalienable, self-governing part of the Local Russian Orthodox Church. The Russian Orthodox Church Outside of Russia is independent in pastoral, educational, administrative, managerial, property and civil matters, abiding at the same time in canonical unity with the entire Fullness of the Russian Orthodox Church, in accordance with the Act of Canonical Communion, confirmed by the Council of Bishops on 2/15 May, 2006, and executed on 4/17 May, 2007” (Regulations 2008)].

- 12 «Вышестоящей инстанцией церковной власти для Русской Православной Церкви Заграницей являются Поместный и Архиерейский Собор Русской Православной Церкви. Решения Священного Синода Русской Православной Церкви действуют в Русской Православной Церкви Заграницей *с учётом особенностей*, определяемых Актом о Каноническом Общении, настоящим Положением о Русской Православной Церкви Заграницей и законодательством государств, в которых она осуществляет своё служение» [“The supreme authority of ecclesiastical power for the Russian Orthodox Church Outside of Russia are the Local Council and Council of Bishops of the Russian Orthodox Church. Decisions of the Holy Synod of the Russian Orthodox Church are valid in the Russian Orthodox Church Outside of Russia *subject to the terms* determined by the Act of Canonical Communion, the present Regulations of the Russian Orthodox Church Outside of Russia and the laws of the states in which it carries out its service” (Regulations 2008)]. (Italics mine).
- 13 «Русская Православная Церковь заграницей в своей внутренней жизни и управлении руководствуется: Священным Писанием и Священным Преданием, священными канонами и церковными законами, правилами и благочестивыми обычаями Поместной Российской Православной Церкви и, в частности, – Постановлением Святейшего Патриарха, Свящ.[енного] Синода и Высшего Церковного Совета Православной Российской Церкви от 7/20 ноября 1920 года № 362,

of the status results, *inter alia*, in overlapping dioceses of the ROC and the ROCA in Europe (cf. section 6.2): for example, in Germany, the ROCA is represented by the *Deutsche Diözese der Russischen Orthodoxen Kirche im Ausland*, whereas the ROC has a parallel structure called the *Berliner Diözese der Russischen Orthodoxen Kirche*. For an Orthodox parishioner, it implies a possibility of choice between the two Russian communities that make up the same Moscow Patriarchate. *Московский Патриархат*, therefore, would be the most adequate name to describe the “dual” Russian Church. Nevertheless, the ROC’s administrative center is in Moscow, and so, the ROC is identified with it across the board. In this connection, in my study henceforth, unless specifically noted, I utilize both terms (i.e., “the ROC” and “the Moscow Patriarchate”) interchangeably.

1.2.4. The Orthodox Church

The ROC defines herself as the “true Church of Christ.”¹⁴ This postulate is representative of Orthodox parlance, and it is shared by other LOCs.¹⁵ Orthodoxy

соборными постановлениями и узаконениями Русской Православной Церкви за границей, в том числе и настоящим Положением и вышеупомянутым Актом о Каноническом Общении» [“In her internal life and administration, the Russian Orthodox Church abroad is guided by Holy Scripture and Tradition, by the Holy Canons and Church laws, the regulations and pious customs of the Church of Russia and, in particular, by the resolution of His Holiness the Patriarch, the Most Holy Synod, and the Highest Church Council of the Russian Orthodox Church dated 7/20 November, 1920, No. 362, by the resolutions of Councils and declarations of the Russian Orthodox Church *abroad*, including the present Regulations and the aforementioned Act of Canonical Communion” (Regulations 2008)]. (*Italics mine*).

- 14 «Православная Церковь есть истинная Церковь Христова, созданная Самим Господом и Спасителем нашим, Церковь утверждённая и исполняемая Духом Святым, Церковь, о которой Сам Спаситель сказал: “Создам Церковь Мою, и врата ада не одолеют её” (Мф 16: 18). Она есть Единая, Святая, Соборная (Кафолическая) и Апостольская Церковь, хранительница и подательница Святых Таинств во всем мире, “столп и утверждение истины” (1 Тим 3: 15)» (Inoslavie 2008: 1.1) [“The Orthodox Church is the true Church of Christ established by our Lord and Savior Himself, the Church confirmed and sustained by the Holy Spirit, the Church about which the Savior Himself has said: ‘I will build my Church; and the gates of hell shall not prevail against it’ (Mt 16: 18). She is the One, Holy, Catholic and Apostolic Church, the keeper and provider of the Holy Sacraments throughout the world, ‘the pillar and ground of the truth’ (1 Tim 3: 15)” (Attitude 2000: 1.1)].
- 15 For example, Jean-Claude Larchet, a French Orthodox theologian, quotes a similar formula: “L’Orthodoxie n’est pas l’une des Églises, mais l’Église elle-même” (Larchet 2012b: 146) [“Orthodoxy is not one of the churches, but the Church *per se*”].

is said to be not an “ethnographic” feature peculiar to the Byzantine tradition; Orthodoxy is an inner quality of the Church, independent of the external form. This quality implies one doctrine of faith, shared by all, liturgical and hierarchical structure, and certain principles of spiritual life (Inoslavie 2008: 1.19). In the modern Christian world, doctrinal divergences between various Christian traditions are evident, although sometimes they are portrayed as insignificant. For example, this pertains to *The Assyrian Church of the East*, which is also “known as ‘Nestorian’” (Hämmerli/Mayer 2014b: 2),¹⁶ and her approach to the notions of hypostasis, person, and nature in Christ.¹⁷ However, some contemporary scholars categorize all the Eastern Christian communities under the title “Orthodox” (Pötz/Synek 2014: 27–28).¹⁸ The quoted authors subdivide the “Orthodox churches” into Byzantine Orthodoxy, Oriental or pre-Chalcedonian Orthodoxy, and the (Assyrian) Church of the East (cf. Hämmerli/Mayer 2014b: 2). Out of them, only the first group counts as Orthodoxy with the ROC, because they recognize the seven Ecumenical Councils and share the Byzantine rite (cf. Pötz/Synek 2014: 31–32). Therefore, it would be a misappellation to designate the pre-Chalcedonian communities and the Assyrian Church of the East as “Orthodox.” For the ROC, they are Ancient Oriental non-Orthodox churches (Inoslavie 2008: addendum).

It is more productive to single out “Chalcedonian churches” on the map of Eastern Christianity, as do some other authors (see Leustean 2014b: 5–10). The proposed approach, however, has its flaws, too: it distinguishes between the four ancient Orthodox Patriarchates and autocephalous communities recognized by each other (such as the ROC); yet, it considers together a number of other

16 “Nestorian,” however, does not mean that Nestorius of Constantinople († c. 451 C.E.) was the founder of the relevant community. It is rather an indication of a christological stance, whose symbol in the Western tradition became Nestorius. Hence, it is a Western terminological perspective, and not that of the Church of the East.

17 After 612 C.E., the Church of the East, apart from two natures, recognizes two subjects in Christ; whereas Orthodox theology sees in Christ two natures and only one subject. Besides, the former employs the notion “person” in the pre-Christian meaning of *πρόσωπον*. See Zabolotnyi 2014; cf. Seleznev 2002: 157–165.

18 „Orthodox“ bezeichnet wörtlich die, die den rechten Glauben bzw. den „richtigen“ Gottesdienst haben. Das sind vom Selbstverständnis her grundsätzlich alle Kirchen, viele Ostkirchen betonen es in der Selbstbezeichnung. Von der westlichen Konfessionskunde werden als orthodoxe Kirchen jene Ostkirchen bezeichnet, die nicht in voller Gemeinschaft mit der katholischen Kirche stehen, insbes. [ondere] die Kirchen byzantinischer Tradition. Auch untereinander haben die orthodoxen Kirchen nicht alle volle kirchliche Gemeinschaft“.

Chalcedonian “churches not in communion with the above” (Leustean 2014b: 7). The latter include, for example, *The Belorussian Autocephalous Orthodox Church* and *The Ukrainian Autocephalous Orthodox Church*. The ROC and the other in-communion LOCs do not recognize the two organizations as lawful, wherefore the classification should further consider the status of being in communion with each other. Respectively, “Orthodoxy” and “the Orthodox Church” imply here only those Christian communities that stay in Eucharistic communion with the ROC and are recognized by her (cf. Encyclical 2016: I.5).

1.2.5. Orthodox Christianity and Christian Orthodoxy

Victor Roudometof proposes a helpful distinction between “Orthodox Christianity” and “Christian Orthodoxy.” In particular, he identifies the latter with the rise of the Eastern Roman Empire, whereas the former gradually comes to the fore in the face of the crusade challenges, especially after the seizure of Constantinople during the Fourth Crusade in 1204 C.E. (Roudometof 2014b: 39, 57, 170). Within this terminological frame, the modern ROC and the other LOCs fall into the “Orthodox Christianity” category. Although the LOCs like to repeat that they are the “true” and “only” Church, the suggested classification puts them somewhere in the realm of “ethnography.” The existing LOCs do have ethnographic features; however, they also share features pertaining to “Christian Orthodoxy,” particularly in terms of their dogmas.¹⁹ That notwithstanding, the classification is useful, presenting the existing LOCs as Orthodox Christianity that grew out of the erstwhile Christian Orthodoxy.

1.3. Objectives

It is rightly argued that, until recently, “influential Western philosophers and social theorists have failed to engage significantly with Eastern Christianity” (Hahn 2011: 14); and Orthodoxy in particular “has never been a central topic of scholarly interest in Western social theory” (Makrides 2011: 3). Moreover, “it was considered to be a parochial, archaic religious tradition, prone to irrationalism, nationalism and violence, while its potential for development, modernization and democratization was seriously doubted” (Makrides 2011: 3). Paradoxically, “it proved easier for Western theorists [...] to acknowledge a

19 For instance, the *filioque* controversy separates the medieval and modern Roman Catholic doctrine from the one of Christian Orthodoxy, despite those who tend to see it rather as a “nuisance” (see Siecienski 2010: vi).

distinctively Confucian or Hindi ‘alternative’ modernity than to examine what sort of modernity might be possible for fellow Christians on their doorstep” (Hahn 2011: 15). I intend to supply the wanting engagement through my investigation of the recent social models of the largest LOC, the Moscow Patriarchate, taken from the angle of its post-Soviet canon law. I am interested in internal foundations and motivations of the Russian Orthodox models and their potential compatibility with the external secular order of things that can be expressed as interaction, cooperation, and distribution of responsibilities. Furthermore, I seek to understand how the ROC as a post-religious entity (see section 1.11) can influence post-secular actors in the countries of her canonic territory.

1.4. Canon Law: A Tool of Theopolitics and Geotheology

It is worth noting that the ROC as a corporation officially marks time according to the ancient Julian calendar, whereas the rest of society in Russia follows the modern Western (Gregorian) “style” (*новый и старый стиль*). The difference between the two is at present thirteen days. This circumstance creates inevitable impediments for modern Orthodox believers and people associated with Orthodoxy through secularized cultural codes, when they want to comply with calendar issues such as the celebration of the highly popular holidays of the New Year or the Women’s Day of March 8 (they fall on either the Advent or the Lent).

The Julian calendar is a binding canon law for the ROC. Until 1918, there was no contradiction since the state’s calendar was that of the Church. Today, a few theoretical options emerge and compete for different groups in Russian society. For instance, either cancel the secular Gregorian calendar and expand the Julian one onto the whole society; have the ROC give up the Julian calendar and accept the “New style”; or, given that eleven LOCs have adopted the “New style,” retaining the “Old” one only for the Easter celebration, the ROC could follow suit (see section 3.3). Despite rather firm positions of the “Old style,” the calendar question might provoke tensions within the ROC. I call this and other issues, concerning the impact of the Church upon society and state policies, theopolitics.

On the other hand, the notion of canonic territory involves geographical aspects taken from the angle of religion. I call this strategy geotheology. For the Moscow Patriarchate and its Orthodox rival, the Ecumenical Patriarchate of Constantinople, canon law has become a tool in substantiating their strategic geotheological and theopolitical interests around the globe. The Ecumenical Patriarchate, though relatively isolated in Istanbul, controls many Orthodox communities worldwide and is concerned about the recent initiatives of the ROC

embedded in her understanding of canonic territory “based on the principle *ubi russicus ibi ecclesia russica*, that is to say ‘wherever there is a Russian, there too the jurisdiction of the Russian Church extends’” (Lambriniadis 2014: 8–9). The Ecumenical Patriarchate points out the ROC’s desire to “challenge [...] the primacy of the Ecumenical Patriarchate within the Orthodox world” (Lambriniadis 2014: 2), expressed in her document on primacy (Perventstvo 2013). In practice, ROC delegations are said to detach themselves from the rest “by closing themselves within the local Embassies of the Russian Federation whenever there is an opportunity for a Panorthodox Liturgy in various contexts” (Lambriniadis 2014: 1).

Here, we deal with a cooperation between the ROC and the Russian state at the level of foreign policy (see section 7.3.1). The Ecumenical Patriarchate in return refers to ancient canons in order to debunk the ROC’s strategy and demonstrate that the “Ecumenical Throne” has the legal title to oversee countries beyond the nation borders of the LOCs.²⁰ The rules applicable in the ancient Byzantine Empire are thus being reapplied to modernity as if both Constantinople and Byzantium still existed. Moreover, the ROC is partly sensitive to these metonymic arguments. On the other hand, the Moscow Patriarchate often *de facto* disregards the pre-modern heritage, which is exemplified by its geotheological strategy pursued in cooperation with the Russian authorities.

1.5. Orthodoxy and Religious Fundamentalism

Discussing modern canon law of the ROC, it is productive to have a look at alternative “Orthodox” positions, in order to evaluate the “degree of modernity” of the ROC. Throughout this study, it helps to keep in mind where the ROC stands and how far she has stepped at this point. One example here is German Sterligov, a famous modern Russian businessman and activist, who, despite his success in the market, leads a secluded life of a peasant. Sterligov considers himself an Orthodox person, yet he disregards the ROC as a “heretic” organization

20 “By a decision (Canon 28) which is of universal status and validity, the 4th Ecumenical Synod confirmed a long tradition and action of the Church as regards the canonical jurisdiction and the territory of the Ecumenical Throne. The geographical extent of its own ground was extended to the then administrations of the Roman Empire in Pontus, Asia and Thrace, as well as to the ‘barbarian’ lands, i.e. those which were outside the boundaries of the then Roman Empire” (Ethnophyletism 2001).

(Sterligov 2015).²¹ His children are schooled at home because public schooling is believed to be detrimental (Sterligov 2015).²² Modern science and scholarship are labelled “devilish” and thus denied (Sterligov 2015).²³ For instance, the issue of organ transplantation, accepted by the ROC, is considered “vampirism” and “supersatanism,” with “satanism” apparently being a term not strong enough for him (Sterligov 2015).²⁴ Modern doctors are considered *en masse* “murderers, wreckers, and poisoners.”²⁵ Even dentists are seen as harmful because they “drill teeth.” According to Sterligov, the mass media “propagate sodomy” by means

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- 21 «К РПЦ я вообще никак не отношусь, потому что как православный христианин я не могу иметь никаких отношений с еретиками. А РПЦ и есть еретики, которые не имеют никакого отношения ни к православию, ни к Иисусу Христу» [“I do not relate to the ROC whatsoever, because, as an Orthodox Christian, I cannot have to do with heretics. The ROC are heretics who have no relation to either Orthodoxy or Jesus Christ”].
- 22 «То образование, которое даёт школа, не просто бесполезное, но и чудовищно вредное. Главное, чему обучаются там дети, это пьянство, курение, разврат и неуважение к старшим. И только в качестве факультатива им дают другие предметы, тоже не полезные. Гуманитарные науки – сплошная политизированная ложь, а все остальные – средство уничтожения окружающей среды и здоровья человека» [“The education provided at school is not just useless, it is monstrously harmful. The key things that kids learn there are alcoholism, smoking, lechery, and disregard for elderly. Only as facultative, they are taught other subjects that are not useful either. Arts and humanities are all about politicized lies, and the rest are a means for the destruction of the environment and human health”].
- 23 «Они уже настолько испортили нашу природу и наше здоровье, что дальше некуда. Чистой воды скоро вообще не будет. Везде сплошная химия и ГМО. Людей на каждом шагу травят. Всё это происки дьявола и его слуг-учёных. А бестолковые политики становятся менеджерами этих учёных, претворяя в жизнь их дьявольские планы» [“They have already spoiled our nature and health so much that there is no more room to spoil. Soon, there will be no pure water at all. Chemicals and GMOs are all over. People are poisoned constantly. These are plots of the devil and scientists, his servants. And silly politicians become managers of these scientists, implementing their devilish plans”].
- 24 «Взять, к примеру, суперсатанизм трансплантологии. Чтобы кому-то вставить новый орган, его надо вырезать у живого человека. Это же вампиризм. А Московская Патриархия ходатайствует перед Государственной Думой о всяких послаблениях для трансплантологии» [“Take, for instance, the supersatanism of transplantation. In order to insert a new organ, it has to be cut out from a living person. This is indeed vampirism. And the Moscow Patriarchy [Patriarchate] intercedes before the State Duma [Parliament] concerning various privileges for transplantation”].
- 25 «Убийцы, вредители и отравители».

of anti-advertisement, when they constantly bring up this topic and discuss it in public, although formally condemning this phenomenon (Sterligov 2015).²⁶ German Sterligov's fundamentalist stance²⁷ allows one to contrast the ROC as a quite reasonable and modern entity (cf. section 5.4).

1.6. The Secularization Theory and the Russian Federation

It is argued that “the paradigm of secularization has been the main theoretical and analytical framework through which the social sciences have viewed the relationship of religion and modernity” (Casanova 1994: 211; cf. Roudometof 2014b: 4), in which regard “reconsidering secularity remains a project high on the agenda” (Roudometof 2014b: 5). In this section, I consider the thesis that Russia is a “special country” in terms of the West European understanding of secularization.²⁸ Summarizing the matter, the secularization theory postulates that the power of religion has to decline as long as science and technology progress (Engelstein 2001: 129), and as society gets industrialized and urbanized (Evans/Northmore-Ball 2012: 796). Against this background, it is argued that the communist regime in Russia must have delayed secularization in an artificial way by suppressing religion, and that the secularized character of post-Soviet Russia can be attributed to the coercion of the Bolsheviks rather than secularization *per se* (Evans/Northmore-Ball 2012: 797). In accordance with the theory, the removal of state repression of religion should have returned the country to the

26 «Даже если постоянно говорить, что педерасты плохие, и повторять за ними не надо, антиреклама – лучшая реклама. И крутят это по всем центральным каналам. Сегодняшнее поколение российских детей превращают в людей, которые терпимо или с интересом относятся к содомии. Это значит, что следующее поколение будет поколением педерастов, если сегодня не вырубить эту фигию телевизионную» [“Even if you constantly say that pederasts are bad, and one should not emulate them, the anti-advertisement is the best ad. And they keep showing it on all central TV channels. The present generation of Russian children is turned into the people who tolerate or have interest in sodomy. It means that the next generation will be a generation of pederasts, if we do not cut this TV baloney off”].

27 Sterligov has a website, sterligoff.ru; he writes books (see the website) and gives interviews.

28 Western Europe is not without exceptions. For example, “it is clear that the British state is not secular at any level – national, regional, or local. There is no principled or legal separation of the state from religions. On the contrary, there is a long and complex intertwining of the monarchy, the Church of England, the Church of Scotland, Parliament, and the major institutions of the state such as the armed forces, health services, emergency services, and prisons” (Beckford 2012: 13).

course of secularization, interrupted in 1917 (Evans/Northmore-Ball 2012: 797). This return implies “a brief and rapid upturn in religiosity immediately following the collapse of the Soviet Union as repressed religion reappeared, only then followed by a return to a pattern of religious decline” (Evans/Northmore-Ball 2012: 797).

In this regard, Geoffrey Evans and Ksenia Northmore-Ball analyzed a series of seven repeated cross-national surveys from 1993 to 2007, in order to establish whether post-Soviet Russia accords with the secularization theory or, conversely, has experienced a genuine religious revival (Evans/Northmore-Ball 2012: 796). If it were in accordance with the given theory, another expectation would be age-related, that is, older generations should be more religious than the younger ones due to their “fuller” contact with religion at an earlier stage of secularization and state oppression (Evans/Northmore-Ball 2012: 800). Respectively, younger generations should be bereft of religious influence and indifferent to it due to communist oppression. Besides, there should be no growth of Church attendance in play either. The research shows, however, that “the proportion of Russian Orthodox identifiers increases monotonically throughout the period and cohort analysis indicates that younger postcommunist cohorts express higher levels of religiosity than older cohorts who experienced most years of communism” (Evans/Northmore-Ball 2012: 804). Moreover, it argues that Orthodox believers “come from all social backgrounds,” which means that the fact that educated classes are equally represented in the Church disproves the provision of the secularization theory concerning the science-vs-religion ratio.

It is questionable whether the factor of conservative morals among Orthodox Russians can count as an invaluable trait of a religious revival. The stumbling block here is that the Soviet Union, *mutatis mutandis*, used to promote certain ethics and a moral code of behavior, manifesting particularly as respect for family, for parents, for older people, and in a ban on abortion (during 1936–1955). Nevertheless, it did not stop the country from being officially atheistic. Despite that, the research challenges the secularization theory, leading its authors to a conclusion that modern Russia “is experiencing a genuine religious revival” and that it “appears to be on a different trajectory of development with respect to religiosity than Western Europe” (Evans/Northmore-Ball 2012: 805–806).

1.7. Multiple Modernities

The interpretation of the above data, however, was not followed by an attempt to grasp the *raison d'être* of the situation. In line with the secularization theory, the output implies that, by deviating from the secularization pattern, Russia

automatically is not modern. However, the reality in Russia speaks in favor of the opposite, in which connection I apply two alternative theoretical frames to my study of the post-Soviet ROC and her cultural program. The first one is the multiple modernities theory, connected with Shmuel Eisenstadt (2000). The second frame is the post-secularity theory, connected with Jürgen Habermas (2008), which is starting to gain acceptance in Russian Orthodoxy, with further interpretations suggested by Sergei Khoruzhyi (2012), on the one hand, and Massimo Rosati and Kristina Stoeckl, on the other hand (Rosati/Stoeckl 2012). To facilitate the analysis, I suggest an interpretation of interaction of Orthodox canon law with the human rights discourse (HRD).

Eisenstadt's reference point is that the classical assumption that "the cultural program of modernity as it developed in modern Europe and the basic institutional constellations that emerged there would ultimately take over in all modernizing and modern societies" has failed (Eisenstadt 2000: 1). Instead, he postulates that non-Western societies, although undergoing certain modernization, gave rise to "multiple institutional and ideological patterns," that, sometimes containing even "strong anti-Western or even antimodern themes," were "distinctively modern, though greatly influenced by specific cultural premises, traditions, and historical experiences" (Eisenstadt 2000: 2). In this connection, Eisenstadt speaks of "unique expressions of modernity," stressing that Westernization is only one of such expressions, and that it should not be identified with modernity *per se*. That is, "Western patterns of modernity are not the only 'authentic' modernities, though they enjoy historical precedence and continue to be a basic reference point for others" (Eisenstadt 2000: 3). The Western "program of modernity includes at least ideologically, as one of its principal components, secularization – with its functional differentiation, privatization of religion and decline of religious beliefs," whereas in practice, "modernization in non-Western settings often incorporates or even thrives on religion rather than excluding or diminishing it" (Rosati/Stoeckl 2012: 2).

Nonetheless, Alexander Agadjanian argues that the mentioned multiplicity should be understood not as various foundations of modernity, but rather as a variety of ways to get accustomed to it (Agadjanian 2012b: 92). In his opinion, modernity is one integral phenomenon (Agadjanian 2012b: 94), whose ideal type includes such features as scientific rationality and the autonomous self (intensive reflectivity),²⁹ as well as nation state, capitalism, and domination over nature (Agadjanian 2012b: 90; Agadjanian 2012a: 83). Moreover, he continues,

29 Apart from Eisenstadt, Agadjanian refers to Anthony Giddens (1991) and Johann Arnason (2000).

local traditions, despite their possible anti-globalist appearance, in reality strive to get included in the global project and accept the rules of the game (Agadjanian 2012b: 93). In so doing, Agadjanian rather goes back to Max Weber, for whom “Protestantism was the key to the genesis of modernity, secularity, individualism and European exceptionalism,” and fits in the classical “the West versus the rest” model (Hahn 2011: 11). Despite that bias, it is noteworthy that ROC canon law reflects on the features emphasized by Agadjanian (cf. Ekologija 2013).

1.8. Multiple Modernities and Globalization

Albeit the “expected triumph of homogeneity” has not become a fact, the idea of one common denominator could fit in the eschatological outlook under the “institutional translation proviso” (Habermas 2006: 10). Applied backwards, when secular language is translated into religious terms, it allows the Orthodox Church to generate respective religious meanings and extrapolate them to her intrinsic picture of the global development. Within the traditional Orthodox scheme, globalization can be seen as a movement towards “the end of the world” and the Judgment Day, which is universal and definitive. At the same time, the Judgment implies certain standards and certain laws applicable to all. In this regard, the outlined principles of modernity that are gradually accepted across the globe *volens volens* create one eschatological standard for all. In religious language, the transition of the world to the modern standards in the near future will mean its inevitable readiness for the Judgment, preceded by a global catastrophe, expressed, for example, in terms of a nuclear war.

Victor Roudometof approaches Orthodox Christianity through the frame of globalization that he does not see as “a consequence of Western European modernity” (Roudometof 2014b: 7). He prefers the other way around, arguing that “it is the emergence of modernity in Western Europe and North America (typically referred to as the ‘rise of the West’) that is viewed as taking place within world-historical globalization” (Roudometof 2014b: 7). This approach implies, he continues, that “there is no single monolithic master narrative of modernization and secularization that is universally applicable” (Roudometof 2014b: 8). Moreover, “globalization entails a *plurality* of responses as outcomes instead of a single master narrative of secularization” (Roudometof 2014b: 8). It is not clear how exactly his approach differs from the multiple modernities theory (if not only in the wording), when applied to contemporary actualities. Otherwise, both approaches argue against the metanarrative of secularization and both imply responses that free Orthodox Christianity from stereotypes of a marginal and less advanced phenomenon.

1.9. Post-Secularity: from “Postsecular Crap” to the “Eternal Religious”

Similar considerations urged Jürgen Habermas to admit the fact that “the weakness of the theory of secularization is due rather to rash inferences that betray an imprecise use of the concepts of ‘secularization’ and ‘modernization’” (Habermas 2008: 19). As a result, thanks to Habermas, a new concept of modernity known as post-secularism became the focus of attention (Uzlaner 2013).³⁰ It gives up the previous policy of “pure” secularism and the rigid non-acceptance of religion, and suggests a “dialog” of the religious and secular mindsets in the public sphere (although not in state institutions), seen as an opportunity of a stable coexistence in the “global village” of the 21st century.³¹ According to this approach, modern society is seen as still secular, yet now religion-inclusive;³² and post-secularity is rather viewed as a modern form of the ongoing secularization (Beckford 2012: 8–11).

James Beckford’s critical analysis yielded six groups, or clusters, of the meanings of “post-secular” in the current debates. They range from the denial of secularization as a “mistake” to the modern “reenchantment of the culture,” and from the “public resurgence” of religion to “postsecular crap,” as Slavoj Žižek once put it, paralleled by a more moderate take of Ingolf Dalferth that “post-secular” should be understood in an apophatic way as “neither religious nor secular”

30 «Трудно сказать, когда в научной и общественно-политической литературе впервые было использовано понятие “постсекулярное”. Можно лишь утверждать, что уже в 90-х годах XX века оно начинает мелькать в исследовательских трудах, посвящённых критике современной практики и теории секуляризма. В фокусе же внимания политических философов, социологов, а затем и средств массовой информации постсекулярное оказалось во многом благодаря немецкому философу Юргену Хабермасу [...]» [“It is hard to say when in academic and public and political literature the notion ‘post-secular’ first appeared. One can only state that, already in the 1990s, it starts popping up in research works criticizing the modern practice and the theory of secularism. In the focus of attention of political philosophers, sociologists and then the mass media the post-secular term appeared thanks to a great extent to German philosopher Jürgen Habermas [...]”].

31 Cf.: “In postsecular dialogue many old ideological labels and barriers are removed, including, in the first place, the barriers between secular and religious consciousness, thought, spheres of social and cultural life. It is a positive trend because such dialogue helps one to reduce growing threats and risks in the present-day global development” (Horujy 2015b: xxi–xxii).

32 Cf.: “In these societies, religion maintains a public influence and relevance, while the secularistic certainty that religion will disappear worldwide in the course of modernization is losing ground” (Habermas 2008: 21).

(Beckford 2012: 11–12). In-between, there is a trend viewing post-secularity “as a progressive development that builds on the achievements of both religion and secularism” (Beckford 2012: 3), and the mentioned approach of Habermas. Beckford bases his analysis on Great Britain and believes that “the meanings attributed to the ‘postsecular’ are [...] incapable of explaining the interpellation of public religions in Britain – and, possibly, elsewhere in the world” (Beckford 2012: 16). In my opinion, at this point, the Russian material can contest the last part of his conclusion.

Vyacheslav Karpov, building on Peter Berger (1999), made a strong emphasis on what he calls desecularization, understanding it as a process of counter-secularization (Karpov 2010: 250). In principle, this concept does not differ much from the one of post-secularity, especially considering the six clusters provided by Beckford, albeit it adds some interesting details such as “religiously inspired [...] redefinition of territories,” which is applicable, for instance, to the case of the Crimea. I therefore use in my text the notion “post-secular” as an established term that is further clarified below.

It has been noted that, despite the role of the Roman Catholic leader in the genesis of the post-secularity concept, the initial religious impulse for the theory came not from Western Christianity but from Islam, as the theory originated after the attacks in New York on September 11, 2001 (Khoruzhyi 2012: 76).³³ Nevertheless, post-secularity deals with the dichotomy of faith and knowledge, faith and reason, and Orthodox researchers interpret it as a specific and longstanding Roman Catholic dilemma and, respectively, a version of post-secularity (Khoruzhyi 2012: 77). As an Orthodox version, they suggest a communicative approach based on “personal” experience, breaking the binary opposition of faith and reason:

The Orthodox mind sets its priorities in a different way: for it, the chief element of religion and religious life is a living, [...] ascetic, sacramental, and eschatological experience of communion with Christ. [...] Due to this, if in the post-secular dialogue with the secular mind the Catholic mind strives first of all to demonstrate and affirm universal adequacy of the “reason of faith” as the way to the truth, the Orthodox mind affirms the all-human value and authenticity of the *living spiritual experience* [...]. (Khoruzhyi 2012: 77)³⁴

33 Cf.: “The Muslims next door force the Christian citizens to face up to the practice of a rival faith. And they also give the secular citizens a keener consciousness of the phenomenon of the public presence of religion” (Habermas 2008: 20).

34 «Православное сознание расставляет свои приоритеты иначе: для него главный элемент религии и религиозной жизни – это живой, [...] аскетический, sacramентальный и эсхатологический опыт общения с Христом. [...] Вследствие этого

The “personal” aspect of Christ is important for understanding the Orthodox stance in general. At the same time, Khoruzhyi argues that the post-secular dialogue and partnership do not imply a restoration of religion “as it was,” but rather a construction of a new relationship (Khoruzhyi 2012: 79), which, for instance, is in line with the second cluster of the “post-secular” meanings in Beckford’s classification (Beckford 2012: 3–5).

Rosati and Stoeckl emphasize Habermas’s idea of the post-secular “complementary learning process,” when both religious and secular actors take each other’s positions in the public sphere seriously (Rosati/Stoeckl 2012: 3). However, the term “learning” rather stresses a passive attitude, the acquiring of information, and leaves out feedback. In my opinion, “complementary cooperation” should imply both information and action. Thus, for example, the evolution and creation theories can not only coexist, but also help reinterpret each other. Rosati and Stoeckl put forward five features of a post-secular society (although they admit various combinations thereof in different settings): 1) reflectivity; 2) coexistence; 3) deprivatization of religion (cf. Casanova 1994); 4) religious pluralism vs. religious monopoly; 5) both immanent and transcendent conceptions of the sacred (Rosati/Stoeckl 2012: 6).

Reflectivity implies a capability of finding “good reasons to enter into a dialectical relationship of mutual tolerance and/or recognition” (Rosati/Stoeckl 2012: 4). In this regard, “the fact that the Russian Orthodox Church elaborates programmatic documents in response to modern challenges can [...] be described as an example of postsecular reflectivity” (Rosati/Stoeckl 2012: 10). Besides, if we recognize the coexistence of secular and religious players in the Russian public sphere today, it would be in line with the second precondition. Recognition of the transcendent on a par with the immanent as a public value, promoted by religious players, can also be accepted as an implication of the coexistence factor.

The fourth feature, however, is hardly applicable in the Russian context. Religious pluralism is long present in Russia, albeit Orthodoxy dominates the religious landscape. Rosati and Stoeckl state that “a truly postsecular society is a multi-religious society, where so to speak ‘indigenous’ traditions nowadays live side by side with diasporic religious communities” (Rosati/Stoeckl 2012: 5). In the Russian case, there are a few “indigenous traditions” that define the Russian

если в постсекулярном диалоге с секулярным сознанием католическое сознание стремится продемонстрировать и утвердить в первую очередь универсальную полноценность “разума веры” как пути к истине, то православное сознание будет утверждать общечеловеческую ценность и подлинность *живого духовного опыта* [...]. (Italics mine).

social and religious landscape for the last few centuries. Moreover, Orthodoxy remains the dominant player due to its “national” marker for ethnic Russians who constitute some 80% of the population in the Russian Federation (Perepis’ 2010). Nonetheless, other religions such as Islam, Buddhism, and Judaism, despite a smaller share, are currently part of the public sphere in the country as “indigenous” and not as “diasporic” communities. Ostensibly, the theory is based on the West European perspective with a different societal fabric, for which Islam, for instance, is still “diasporic.”

A deprivatized character of religion in modern Russia would also be a factor in play, considering a strong public voice of the Orthodox Church and other communities. In addition, I want to introduce another (sixth) category of a post-secular society, applicable at least to some post-Soviet countries – a public demand for or the existence of a “nation Church.” It implies that religion is not simply deprivatized and tolerated on a par with other institutions. Moreover, it is a significant public factor for modern statehood in the (new) countries, without which their nation states seem to them incomplete. Modern Ukraine is a case in point (see section 1.10).

I also assume that scientific rationality, nation state, and dominance over nature remain features of the post-secular age. For instance, the developments in Scotland and Catalonia demonstrated a strong nation state tendency. However, other features can undergo a certain transformation. For example, the *Greenpeace* project, the Kyoto protocol, new ecological standards in the European Union, and so forth shift the weight from “pure” dominance over nature onto its careful exploitation and preservation. In return, this attitude is based on scientific rationality, predicting exhaustion of the resources now available. In this connection, the ecological doctrine of the ROC is quite in line with this trend (see section 5.19).

In addition to the above, a few more aspects require attention. Jens Koehrsen noted that speculations on the rising role of religion in modern societies, especially in the West, are often based on “diffuse and excessively wide concepts of religion,” whereas not all the touched phenomena are of religious nature (Koehrsen 2012: 284). In fact, Koehrsen correctly argues that “not every public communication or practice undertaken by a religious actor is necessarily religious” (Koehrsen 2012: 279). This urges him to conclude that the “assumption of a rise of ‘public religion’ seems to be merely a theoretical trend in the academic community” (Koehrsen 2012: 284). He therefore prefers the definition of religion as “communication and/or practice that refers to a supernatural – transcendent – reality” (Koehrsen 2012: 280). This definition does not explain everything about religion and can as well pertain to issues such as virtual reality (cf. Ponomariov 2015c). Nevertheless, I

find it applicable to the subject: in her canon law, the ROC as a public actor sets a clear afterlife strategy, fitting into the narrow definition of religion and religious activities in the public sphere. For instance, the supernatural aspect is stressed in the ROC's resolution, passed in February 2015:

In modern actualities, when faith and morality are facing new challenges, a free cooperation between Church, state, and society becomes especially significant. Its main goals are to contribute to the Church's *mission of salvation*, to provide a possibility for living in accordance with one's faith, and to uphold God-given moral values among people [...]. (Soveshchanie 2015: 10)³⁵

The word *соработничество*, a high-style variant of the standard *сотрудничество*, used in the text, is a traditional Church Slavonic term for "cooperation." It underlines the "newoldpeak" of the ROC as a language combining both modern secular and traditional wording and utterances. Rosati and Stoeckl also point out that, in the very term "post-secular," "the prefix *post* suggests continuity with a previous stadium, namely *secularism*." However, considering the experience of various countries, they conclude that in countries such as Brazil, South Africa, Nigeria, or Nepal "religion is part and parcel of a process of modernization continuous with religious and cultural traditions" (Rosati/Stoeckl 2012: 15). Other contemporary researchers argue, for instance, that

[t]he differences between Eastern and Western Europe emphasize the need to pay attention to the local particularities of religious life in the various parts of the continent with their potential repercussions. This prohibits us from uncritically universalizing the Western pattern of religious evolution [...]. (Makrides 2005: 149)

Russian experience exhibits markers of the modern development under the said continuous tradition, which otherwise, if considering the communist break, can be taken as a post-secular process. A good example of the modern thinking of the incumbent Kremlin authorities is the address of Vladimir Putin to the Federal Assembly of the Russian Federation, delivered in December 2014. Remembering the events in the Crimea in March 2014, Putin noted: "This very place is the spiritual source of the multifaceted yet monolithic Russian nation and the centralized Russian state. For in this very place, in the Crimea, in the ancient Chersonese [...]"

35 «В современных условиях, когда вере и нравственности бросаются новые вызовы, особо значимым становится свободное соработничество Церкви, государства и общества. Главные его цели – содействие *спасительной миссии* Церкви, обеспечение возможности жить по вере, утверждение среди людей богоданных нравственных ценностей [...]». (Italics mine).

was baptized Duke Vladimir who later baptized all Rus” (Putin 2014b).³⁶ As we can see, the Russian nation and state are unequivocally connected to Orthodox Christianity that became a “powerful unifying force” for all the peoples in the state (Putin 2014b).³⁷ Therefore, in the modern Russian polity, a quasi-sacred meaning is officially attached to the Crimea due to its Christian affiliation with the beginnings of Russian history.

Moreover, Putin argues that this meaning is as “sacred” for Russia as the Temple Mount in Jerusalem is for Jews and Muslims, whose religious connotation is evident:

And it gives us grounds to say that, for Russia, the Crimea, the ancient Korsun', Chersonese, and Sevastopol have an enormous civilizational and *sacral* meaning. Such as the Temple Mount in Jerusalem for those professing Islam or Judaism. In this very way, we shall tackle it from now on and always. (Putin 2014b)³⁸

This is an incredible theopolitical statement. To outline a contour of the problem, the reference to the Temple Mount recalls, *inter alia*, the non-stop conflict for the Mount between the mentioned religious groups, which arouses specific parallels (Kuraev 2014b). Besides, choosing as a symbol the non-Christian Temple Mount and, for instance, not the Holy Sepulcher is telling: perhaps, Putin wanted to reach out to the audience in the Middle East, the Crimean campaign being the springboard for the Russian military operation in Syria and expansion in the Mediterranean region. Modern Russian policymaking is therefore tightly tied to the religious discourse.

36 «Именно здесь находится духовный исток формирования многоликой, но монолитной русской нации и централизованного Российского государства. Ведь именно здесь, в Крыму, в древнем Херсонесе [...] принял крещение князь Владимир, а затем и крестил всю Русь». It has to be noted that some modern scholars offer an alternative date and geographical location of Duke Vladimir's baptism, as well as of the baptism of the Kiev residents. For details, see Rapov 1998.

37 «Христианство явилось мощной духовной объединяющей силой, которая позволила включить в формирование единой русской нации и образование общей государственности самые разные по крови племена и племенные союзы всего обширного восточнославянского мира» [“Christianity was a powerful spiritual unifying force that allowed the inclusion of various ethnic tribes and tribal alliances of the whole Eastern Slavic world in the formation of one Russian nation and the creation of common statehood”].

38 «И это даёт нам все основания сказать, что для России Крым, древняя Корсунь, Херсонес, Севастополь имеют огромное цивилизационное и *сакральное* значение. Так же, как Храмовая гора в Иерусалиме для тех, кто исповедует ислам или иудаизм. Именно так мы и будем к этому относиться отныне и навсегда». (*Italics mine*).

This approach fits well into the definition of “religious” put forward by Émile Durkheim who argued that, for the religious mindset, the world is fundamentally divided into profane³⁹ and sacred domains (Durkheim 1990: 50–51).⁴⁰ It is important that despite pointing at the “passed stage” of secularization, real or imagined, post-secularity as a term, in the Russian case, expresses an inclusive approach to religion, which is different from the secularization theory with its idea of a permanent disengagement from religion in the public sphere. That said, some experts evaluate the situation in Russia as post-secular:

The overwhelming majority of Russian citizens, identifying themselves as Orthodox, plus quite numerous “ethnic Muslims,” plus the rest of “religious citizens” of various confessions (including the statistical error) – they all “vote” for post-secularism. *In fact, they make up contemporary post-secular society in Russia.* [...] These groups and their public speakers can no longer agree with the paradigm of “secular society,” which is still imposed by secularists. For them, although this is not always quite conscious, *society has already become post-secular.* (Kyrlezhev 2013)⁴¹

Interestingly, in modern Russia, there has appeared a phenomenon known as “religious atheists” (for instance, “Orthodox atheists”). These people culturally identify themselves with a certain religious tradition, but hardly profess the doctrines. For instance, in the Orthodox case, they might not believe in Jesus Christ; yet, they pay due respect to the Orthodox Church and even go to the Easter liturgy. In this regard, Aleksandr Kyrlezhev rightly points out:

Confessional identity is not always “religious” in the secularist sense, for it points not at “believers” (that is to say, “real ones,” [...] unlike “non-religious” citizens), but at the fact that certain citizens and groups of citizens are included in the cultural matrix, one

39 “Profane” stems from *pro fanum*, i.e., “in front of the temple” (Hovorun 2017a: 27).

40 “La division du monde en deux domaines comprenant, l’un tout ce qui est sacré, l’autre tout ce qui est profane, tel est le trait distinctif de la pensée religieuse.” This approach was supported by Rudolf Otto and Mircea Eliade (see Hovorun 2017a: 25). The word “Sevastopol,” for instance, is derived from σεβαστός (= *augustus*). The root σέβας means “awe” or “awful subject,” whereby this geographical area attains a quasi-religious connotation.

41 «Подавляющее большинство российских граждан, идентифицирующих себя как православные, плюс весьма многочисленные “этнические мусульмане”, плюс все остальные “религиозные граждане” различной конфессиональной принадлежности (в том числе и попадающие в социологическую погрешность) – все они “голосуют” за постсекуляризм. Они и составляют нынешнее российское постсекулярное общество. [...] Эти группы и их публичные спикеры уже не могут согласиться с парадигмой “светского общества”, все ещё по инерции навязываемой секуляристами. Для них, хотя и не всегда вполне осознанно, *общество уже стало постсекулярным*». (Italics mine).

of whose dimensions is relevant religion. *This is the post-secular take*. Moreover, according to it, even the citizens, included in the secular cultural matrix, (in which religion is replaced by a secular quasi-religion – humanism, scientism, atheism, etc.), have a confessional identification. (Kyrlezhev 2013)⁴²

Kyrlezhev believes that post-secularity in Russia is a result of a clash between the revived abstract pre-Soviet social frames and the contemporary Western ones. To continue, for example, Marxism was borrowed before the Revolution of 1917 in Russia the same way without a critical readjustment thereof to local actualities. In both cases, the frames turn out to be imported, without walking the same path by respective societies:

In other words, post-secularism came to new Russia *that had had no experience of West European secularization* and that lacked a public consensus on the correlation of the religious and the secular. There had been no corresponding historical precedents, as simple as that. In the past, there was either the “Orthodox Empire” or the mass destruction of churches and killing of priests. (Kyrlezhev 2013)⁴³

The lack of secular experience in Russia is noteworthy. In the chapters below, I elaborate on some reasons of it.

In addition to the above, Aleksandr Kyrlezhev and Dmitrii Uzlaner proposed some more conceptualizations of post-secularity. In particular, Kyrlezhev suggests putting the principal religious-secular relationship in the framework of “eternal poles” of human culture. He begins with the thought that secularism did not repudiate religion, but reestablished it (Kyrlezhev 2014: 14).⁴⁴ This fact allows

42 «Конфессиональная идентичность не всегда является “религиозной” в секуляристском смысле, ибо она указывает не на “верующих” (то есть “настоящих”, [...]) в отличие от тех граждан, которые “нерелигиозны”), а на то, что отдельные граждане и группы граждан включены в культурную матрицу, одним из измерений которой является соответствующая религия. *Это и есть постсекулярный взгляд*. И согласно этому взгляду даже те граждане, которые включены в секулярную культурную матрицу (где религию заменяет секулярная квазирелигия – гуманизм, scientизм, атеизм и проч.), имеют конфессиональную идентификацию». (Italics mine).

43 «Другими словами, постсекуляризм пришёл в новую Россию, у которой *не было опыта западноевропейской секуляризации* и в которой отсутствовал общественный консенсус о соотношении религиозного и светского. Просто не было соответствующих исторических precedентов. В прошлом – либо “православная империя”, либо массовые разрушения храмов и убийства священников». (Italics mine).

44 «Современная (модерная) философия секулярного не была продумана последовательно и до конца. Специфика религиозного была не отвергнута, но, наоборот,

one to conclude that religion should be understood as an integral pole of human culture in general along with secularity, and that both thus create a certain “energetic field of tension” between these two poles (cf. Zwahlen 2016: 88),⁴⁵ whereby neither of the two is repressed because they are “eternal” (Kyrlezhev 2014: 22).⁴⁶ Uzlaner speaks of “post-secular hybrids,” when various groups struggle for their own model of the situation (Uzlaner 2014: 54).⁴⁷ The concept of the poles of culture is fresh and productive. Besides, it allows for an adequate description of the

признана и утверждена – именно в рамках секулярной концепции религии как того, что обладает своей, отдельной, собственной “сущностью”, которую ничто не может заместить» (Kyrlezhev 2012: 59) [“Contemporary [modern] philosophy of the secular was not thought through consistently. The specifics of the religious was not repudiated, but, on the contrary, *acknowledged and affirmed* – in the framework of the secular concept of religion as something that possesses its own separate ‘essence,’ which cannot be replaced”]. (Italics mine).

- 45 „Diese Gegensätze [zwischen Recht und Moral, Freiheit und Verantwortung, Säkularität und Religion, Aufklärung und Christentum, ‚liberalen‘ und ‚traditionellen‘ Werten] bestehen – Tatsache ist aber, dass ihre jeweiligen Pole voneinander abhängig sind und [...] auch konstruktives Zusammenleben ermöglichen“.
- 46 «Другими словами, всё поле напряжения “проникнуто” (вполне тотально и диффузно) с одной стороны “религиозным”, а с другой стороны “светским” как противоположным. Важно то, что при таком теоретическом подходе “светское” (не в секуляристском смысле) никоим образом не репрессируется и не возникает асимметрии. Наоборот, оно оказывается “вечным светским”, поскольку является необходимым конститутивным элементом динамичной структуры культурного целого. Но равным образом не репрессируется и “религиозное”, ибо полюс невозможно заключить в гетто. Эта схема подходит ко всем культурным ситуациям – как до- и несекулярным, так и секулярной, а также постсекулярной» (Kyrlezhev 2012: 68) [“In other words, the entire field of tension is ‘permeated’ (quite totally and diffusely) by ‘the religious,’ on the one hand, and by ‘the secular’ as its contrary, on the other hand. It is important in this theoretical approach that the ‘secular’ ([understood] not in the secularist sense) is not repressed in any way, and that there is no asymmetry. On the contrary, it proves to be the ‘eternal secular,’ since it is an indispensable constituent element of the dynamic structure of the cultural whole. By the same token, the ‘religious’ is not repressed either, for a pole cannot be ghettoed. This model pertains to all cultural situations, both pre-secular and non-secular, and secular and post-secular”].
- 47 “Rather, the main choice in the current situation is between various models of post-secularism and between different forms that can and should be assumed in particular by the hybridization of religion and politics, of public order and religious norms, and of secular knowledge and confessional belonging. It is likewise a choice between different approaches to drawing the constantly contested religious-secular boundary.”

ROC's activities as such that do not repudiate the secular beginning of society, but cooperate with it and recognize its independent status. Religion in this context is seen as an independent pole.

Despite the fact that some authors still occasionally argue that "the ROC is in fact the only large and influential Christian Church in the world estranged from the principles of democracy and human rights" (Filatov 2012: 17),⁴⁸ I attempt to demonstrate, based on the ample material, that this perspective is incorrect, especially concerning the human rights agenda that currently gains much attention and enjoys at least partial acceptance in post-Soviet canon law of the ROC. The partiality of acceptance is stipulated by a specific theological approach to the problem of person in Orthodoxy.

1.10. A Nation Church

Studying the ROC in the modern settings, I defined a demand for a "nation Church" as part of the post-secularity framework in Eastern Europe. The Church originated in the Roman Empire, in a huge multinational pre-modern state, and she conformed to the "secular imperial provinces" (Ohme 2012: 37), whence stem such words as "diocese" and "eparchy." Whether in the Near East, or in Asia Minor, or in Italy, or in Northern Africa the Church was perceived as "the same" Church *in loco*. However, in some post-Soviet states, the Orthodox Church is perceived as a nation Church belonging to their "titular nation," even if she does not bear the "national" title, such as in the case of Belarus, whose cultural identity is closely connected with Russia.⁴⁹ In the Russian Federation, the ROC is its nation Church, although in other countries of her canonic territory her status may be different. For example, the Moscow Patriarchate in Ukraine, despite bearing the title *The Ukrainian Orthodox Church* (Українська Православна Церква, UOC), is perceived by some Ukrainians as a "foreign" and even "hostile" nation Church in Ukraine (cf. section 6.4.5). Considering the conflict that broke out in 2014, the "Russian" status of the UOC definitely vexes her political opponents. Part of Ukraine's society demands creation of a Ukrainian nation Church as a patriarchate: the nation Church idea, along with other principles such as

48 «РПЦ фактически является единственной крупной и влиятельной христианской церковью в мире, чуждой принципам демократии и прав человека».

49 In Belarus, the Orthodox Church exists in the form of the Belorussian Exarchate of the ROC.

one national language, betray their fixation on the notion of nation state.⁵⁰ It is thus a prerequisite for post-secular society in this post-Soviet republic, where the agenda of nation building is intimately linked to the program of certain political sectors. For example, Viktor Iushchenko, while being the Ukrainian president in 2009, stressed the importance of one Orthodox Church for Ukraine:

We all, despite [our various] political ideas, if we are sincere before God and Ukraine, realize the weight of creation of one local Ukrainian Church. [...] The nation is saying it. Our dignity is saying it. *We are learning to be a nation* – openly, following doubts, despite someone else's dissatisfaction, discovering ourselves before ourselves – let it be complicated, let it be painful, but this pain is a living and healthy one, because our spirit and body have received a chance to recover. (Iushchenko 2009)⁵¹

By saying “our body and our spirit have received a chance to recover” and by referrals to the notion of dignity, Iushchenko officially postulated the need for a nation Church in the Ukrainian nation state. Moreover, he perceives this factor as a remedy for the “sick” Ukrainian organism. It is important for some Ukrainian politicians to shape Ukraine as a “country of one Orthodox Church,” stressing the formula of contemporary Ukrainian society as “one nation, one Church” that thus has two equal and interdependent components, the secular and the religious ones. Otherwise, according to this logic, the process of their nation building is fundamentally inferior.

This feeling of inferiority was reiterated in 2014 by the *Memorandum on One Ukraine and One Ukrainian Local Orthodox Church* (Меморандум про єдину Україну та єдину Українську Помісну Православну Церкву). The Memorandum's title contains two equal components, the Ukrainian nation state and nation Church. It was signed by representatives of five various Christian confessions, as well as local authorities in Western Ukraine, and included five bullet points, four of which explicitly refer to Ukrainian statehood:

50 According to Rogers Brubaker, “a nationalizing state [...] is one understood to be the state of and for a particular ethnocultural ‘core nation,’ whose language, culture, demographic position, economic welfare and political hegemony must be protected and promoted by the state” (Brubaker 1996: 431).

51 «Ми всі, попри політичні погляди, і якщо щирі перед Богом і Україною, усвідомлюємо вагу створення єдиної помісної української церкви. [...] Це промовляє нація. Це промовляє наша гідність. *Ми вчимося бути нацією* – відкрито, йдучи за сумлінням, незважаючи на чуже невдоволення, відкриваючи себе перед собою – нехай складно, нехай боляче, але цей біль – живий і здоровий, бо наш дух і тіло отримали шанс одужати». (Italics mine).

1. All Orthodox churches in Rivne region acknowledge and pray for the *integral and one state* – Ukraine. 2. All Orthodox churches in Rivne region stand for creation of one Ukrainian Local Orthodox Church. 3. All Orthodox churches in Rivne region condemn the actions of Russia as aggressor and other states concerning taking the Ukrainian territory and encroachment upon the *integrity and state sovereignty* of Ukraine. 4. All Orthodox churches in Rivne region condemn the excitement of interreligious enmity and seizure of Orthodox temples of one confession by another. (Memorandum 2014)⁵²

It is noteworthy that the first bullet point of the Memorandum concerns the Ukrainian nation state and not conflicts between its confessions that come last on the list. Roudometof pays attention to the genesis of nation churches in Romania, Serbia, Bulgaria, and Greece after detaching from the Ottoman Empire, and to the creation of the respective nation states, which “became a means of showcasing national independence” (Roudometof 2014a: 781). Through it, the “Orthodox institutions became emblematic not only of universal Christianity but also of national particularism. To belong to the nation one also had to belong to the national church” (Roudometof 2014a: 781). He points out that this process “has continued in the course of the twentieth century with new states – sometimes communist ones – fostering ecclesiastic independence as a means of bolstering national aspirations” (Roudometof 2014a: 782), in particular in Estonia, Moldova, and Ukraine.

The ROC received autocephaly, that is, the status of a patriarchate, in 1589. Although this event was caused rather by a rupture of close links with Constantinople, it played a significant role in shaping the Russian nation state and identity. Hence, the nation Church concept as an applicable feature of post-secular European societies may contribute to the study of the issue. It also questions the integrity of the Western and West European project of modernity and secularism in particular. In this regard, Vasilios N. Makrides argues for the need of “introducing a variation into the European continent itself” (Makrides 2005: 150). That said, it must be added that nation Churches create a serious problem for various

52 «1. Всі православні церкви Рівненської області визнають і моляться за *цілісну і єдину державу* – Україну. 2. Всі православні церкви Рівненської області виступають за створення єдиної Української Помісної Православної Церкви. 3. Всі православні церкви Рівненської області засуджують дії Росії як агресора та інших держав щодо захоплення території України та посягання на *цілісність і державний суверенітет* України. 4. Всі православні церкви Рівненської області засуджують розпалювання міжрелігійної ворожнечі і захоплення православних храмів однієї конфесії іншою». (Italics mine).

Orthodox diasporas because their “parental” Orthodox jurisdictions (patriarchates) compete for them and violate ancient ecclesiology (see section 6.2).

1.11. The ROC and the Human Rights Discourse

Analyzing the ROC in the modern world, I employ the translation proviso inversely and translate the language of the “civil religion,” centered on the human rights and freedom discourse,⁵³ into the language of the traditional religion and Orthodox theology. It provides a good perspective of how the ROC perceives secularity, once the actualities of the latter are rendered in her “native” language.

The civil religion uses sacred texts (“gospels”) such as the Universal Declaration of Human Rights (UDHR 1948).⁵⁴ The HRD is also found in other sacred texts (for example, the International Bill of Human Rights, the Charter of Fundamental Rights of the European Union, the European Convention on Human Rights), thus creating a specific law corpus.⁵⁵ Moreover, it has its own “clergy,” “rituals,” and “temple” in the form of the European Court of Human Rights and judges who are empowered to enforce the “canonic” discipline.

This approach is both metaphoric and metonymic. Formally, the words “gospel” and “temple,” applied to the Universal Declaration of Human Rights and the European Court of Human Rights, are a metaphor, although the actual message and significance they enjoy in the modern secular societies of the West is a metonymy with regard to Christianity. Moreover, the civil religion does not necessarily exclude or substitute the Christian system of sacred values within the same society, which can function as a parallel and eventually complementary system. For example, in the USA, “there was an implicit but quite clear division of function between the civil religion and Christianity. Under the doctrine of religious liberty, an exceptionally wide sphere of personal piety and voluntary social action was left to the churches” (Bellah 1967).

53 In particular, “the civil religion is constituted around the sacred values of universal human rights and freedom, enshrined in the principles of democratic society” (Lynch 2012: 37). This concept was elaborated by Robert Bellah (1967).

54 Cf.: “This system of sacred values finds its expression in particular sacred texts such as the Declaration of Independence, the Constitution, seminal speeches such as the inaugural presidential address of George Washington and J. F. Kennedy” (Lynch 2012: 37).

55 Cf. a remark on the U.S. context: “The Declaration of Independence and the Constitution were the sacred scriptures and Washington the divinely appointed Moses who led his people out of the hands of tyranny” (Bellah 1967).

In the following table, I want to draw attention to some vivid parallels between the two major sacred texts of the civil and traditional religions:

The New Testament (NIV)

There is neither Jew nor Gentile, neither slave nor free, nor is there male and female, for you are all one in Christ Jesus. (Gal 3: 28)

The Declaration of Human Rights (UDHR 1948)

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. (Article 2)

The parallels are formulated in religious and secular languages. Under the translation proviso working both ways, they are mutually intelligible, and both affirm human equality. They are highly “personal,” although the conceptual difference is that the texts refer to different “personal” aspects. Orthodox canon law stipulates equality in a logocentric way (the Person of Jesus Christ), whereas the HRD is anthropocentric (a person). Although the ROC believes in Christian origins of the HRD, it is quite irrelevant if the principles of the Declaration of Human Rights coincide with the ROC’s premises or if they are based on natural law⁵⁶ that some canon law scholars consider to be a source of canon law (Phidas 1998: 20),⁵⁷ and that is also linked to *jus divinum* (Phidas 1998: 22).⁵⁸ What is important is that both traditions have spaces to share in modern society.

The concept of post-secularity implies that modern society remains secular, yet dropping the erstwhile secular rigor. In fact, the very term “post-secular” pertains specifically to one half of the equation, leaving the other half undescribed.

56 For instance, Vlassios Phidas (1998: 21) refers to *The Digest* of Justinian, which reads (L 17.32): “Quod attinet ad ius civile, servi pro nullis habentur: non tamen et iure naturali, quia, quod ad ius naturale attinet, omnes homines aequales sunt” (Digesta 1888: 369) [“According to civil law, slaves are held for nothing; however, it is not so in natural law, since, according to natural law, all people are equal”].

57 “Le droit naturel constitue aussi une source fondamentale du droit canon” [“Natural law also constitutes a fundamental source of canon law”].

58 The Orthodox tradition tackles natural law in its own way: “This law has its source in the will of God, who created humanity in His own image and after His own likeness, and which may be discerned through experience and *reason*,” although the teaching on natural law in the East “never received the theoretical development which the doctrine of natural law received in the West.” Namely, “while natural law has a place in the theological fabric of the East, the doctrines of creation, anthropology, grace and soteriology in Orthodoxy simply do not permit or call for an understanding of the natural moral law in any fashion distinct or autonomous from the whole understanding of revealed truth” (Harakas 1979: 42). (*Italics mine*).

It implies a certain benevolence of the secular sector towards the traditional religion. Likewise, the readiness of the latter to cooperate with the secular value system could be branded “post-religious,” entailing elimination of religious fundamentalism (cf. section 5.4).⁵⁹ Russian Orthodox canon law has certain red lines that it cannot (so far) cross, whereas in some other areas it is ready to borrow a whole toolkit from the civil religion “as is.” This post-religious approach of the ROC, on the one hand, and initiatives of the Russian authorities and demands of society, on the other hand, make up the context of what can be called post-secularity.

1.12. Orthodox Canon Law and the Sacralization of Person

A recent take on modernity views human rights as based on the idea of sacralization of man,⁶⁰ according to which “every single human being has increasingly [...] been viewed as sacred, and this understanding has been institutionalized in law” (Stoeckl 2014a: 6).⁶¹ The idea of the sacralization is helpful, although I disagree with Stoeckl who believes that the topic of human rights is not related to theology (Stoeckl 2014a: 128). The ROC is not ready to accept the HRD in full because she has a different “personal” approach, recognizing the sacredness of the Person of Jesus Christ only, on the one hand, and the fallibility of man after original sin, on the other hand. Explaining the provisions of the ROC’s *Concept*, for instance, one of its authors, Metropolitan Kirill, underlined: “We perceive human rights in the system of moral coordinates of Apostolic Tradition. [...] We see that the modern understanding of human rights is autonomous from

59 “Post-religious,” unlike “traditionalist” (e.g., Stoeckl 2016b), emphasizes the evident rupture between the present-day “traditional” religions, despite the rhetoric they use, and the religions of the pre-modern time.

60 “Modern human rights are about the ‘sacredness of the person.’ I take this term from Joas who has argued that the belief in human rights and universal human dignity is the result of a specific process of ‘sacralization,’ neither purely religious nor exclusively secular in origin, in which every single human being becomes viewed as inviolable and intrinsically valuable” (Stoeckl 2014a: 69).

61 The initiator of this discourse, Hans Joas, formulated it as follows: „Ich schlage vor, den Glauben an die Menschenrechte und die universale Menschenwürde als das Ergebnis eines spezifischen Sakralisierungsprozesses aufzufassen – eines Prozesses, in dem jedes einzelne menschliche Wesen mehr und mehr und immer stärker motivierender und sensibilisierender Weise als heilig angesehen und dieses Verständnis im Recht institutionalisiert wurde“ (Joas 2015: 18).

morality. Glory to God that it is not yet autonomous from law” (Sozialkonzeption 2007: 42).⁶²

Orthodoxy as a religious tradition has not come the same path as Western Christianity. In this respect, Vasilios N. Makrides correctly pointed out that “the fact that the Orthodox East has never experienced its own Reformation is of paramount importance for its (religious) continuity and its unbroken ‘chain of memory,’ whereas the situation in the West is different” (Makrides 2005: 147). The theological otherness of the Orthodox approach to anthropology and the ROC’s approach, in particular, create certain boundaries between Orthodox canon law and some principles of the civil religion. However, the latter has sufficient resources for a post-secular development. Similarly, contemporary Russian Orthodox canon law has the potential for a post-religious development, and the ROC leaders display readiness to recognize the Christian background of the HRD and borrow at least part of it, and domesticate it as an Orthodox doctrine. In other words, there is room for a complementary cooperation.

1.13. The Hypothesis: Russian Orthodox Modernity

I attempt to demonstrate that post-Soviet canon law of the ROC, taken comprehensively, reveals a well thought-over cultural program. According to it, the ROC pursues a set of concrete goals regarding her relations with state and society in Russia and the countries of her canonic territory. This cultural program envisages the following strategy:

While respecting the worldview of non-religious people and their right to influence social processes, [...] the Church seeks to assert Christian values in the process of decision-making on the most important public issues both on national and international levels. She strives for the recognition of the *legality of religious worldview* as a basis for socially significant action (including those taken by state) and as an essential factor which should *influence* the development (amendment) of *international law* and the work of international organizations. (Bases 2000: XVI.4)⁶³

62 «Мы воспринимаем права человека в системе нравственных координат апостольского Предания. [...] Мы видим, что современное понимание прав человека автономно от морали. Слава Богу, что оно пока ещё не автономно от права».

63 «Уважая мировоззренческий выбор нерелигиозных людей и их право влиять на общественные процессы, [...] Церковь стремится к утверждению христианских ценностей в процессе принятия важнейших общественных решений как на национальном, так и на международном уровне. Она добивается признания *легитимности религиозного мировоззрения* как основания для общественно значимых деяний (в том числе государственных) и как существенного фактора,

This text contains three key markers, allowing the researcher to locate the ROC's standing from the point of view of the modern social theories: a) public participation in the process of decision-making, b) recognition of the public legitimacy of religion, and c) the right to influence secular law. The first and the last markers shape the frame pertaining to the rights talk, and the second one exposes the general need for the legality of religion in the present world order. The participation of the Church in the decision-making and her influencing secular law are evident signs of the legitimate status of the given religion, yet these rights need a prior recognition and affirmation in society based on other principles than the religious ones. In other words, either someone in charge has to let religion into the public sphere and grant the respective rights for the discourse on a par with the existing secular players, or religion has to win those rights for itself.

Further keys for locating the applicable "semantic universe" of the ROC are provided by another document called *A Joint Message to the Peoples of Russia and Poland* (*Совместное послание народам России и Польши*), adopted in 2012 together with the Roman Catholic hierarchy of Poland. Referring to the "continuing secularization," the document elaborates on its being "falsely understood," which fact leads to manifestations of "secular fundamentalism" (Poslanie 2012: 31),⁶⁴ such as denial of biblical morality (Poslanie 2012: 30). The passage proves that the Russian Church does not reject the concept of secularity *in toto*. Moreover, the text espouses the principle of separation of state and Church as a contemporary social model: "We recognize *autonomy* of secular and ecclesiastical powers, but we support their *cooperation* in issues concerning family, upbringing, public order, and other issues that have an important public relevance" (Poslanie 2012: 30).⁶⁵ It is clear that the ROC adopts the language of modernity as her own.

At the same time, the counter condition of a fuller recognition of modernity is avoidance of secular rigorism in the public sphere: "We want to make for the establishment of tolerance and, at the same time, for the protection of fundamental freedoms, first of all, *religious freedom*, as well as for the protection of *the lawful*

которые должны *влиять* на формирование (изменение) *международного права* и на деятельность международных организаций» (Concept 2008: XVI.4). (Italics mine).

64 «Ложно понятая светскость принимает форму фундаментализма».

65 «Мы признаем *автономию* светской и церковной властей, но выступаем за их *сотрудничество* по вопросам, касающимся семьи, воспитания, общественного порядка, и по другим вопросам, имеющим важное общественное значение». (Italics mine).

right of religion to be present in the public sphere” (Poslanie 2012: 30).⁶⁶ “Tolerance,” “religious freedom,” “fundamental freedoms,” “lawful right of religion,” and “public sphere” – these are markers of the new type of thinking of the ROC leaders in the modern world. According to the ROC, Christian culture must have a say in the project of modernity, which in return will develop “tolerance” and “respect,” both in quality and quantity: “We want to teach the youth to love God, man, and one’s earthly homeland, as well as to familiarize them with the spirit of Christian culture, whose fruit will be *respect, tolerance, and justice*” (Poslanie 2012: 31).⁶⁷

The right of religion to return to the public sphere, and the demand to overcome “aggressive secularism” (*агрессивный секуляризм*) (Kirill 2013a: 43), expressed jointly by the two Christian communities, the Russian Orthodox and Polish Catholic, are features of the post-secular age. Moreover, the ROC, represented by the Patriarch, points out that “times have changed” (*времена изменились*), when stating that a “civilized society” cannot indulge in aggression towards religion anymore, otherwise it will be incapable of building a “society of solidarity” (*солидарное общество*) (Kirill 2013a: 13). Besides, the HRD and referrals to the rule-of-law state strongly demand protection of not only secular symbols, which is taken for granted by the Church, but equally protection of religious symbols of believing co-citizens (Kirill 2013a: 13).

Normally, canon law manifests itself in religious language, which is “native” for the Church. The principle of coexistence of secular and religious elements in a post-secular society requires that any “comprehensive doctrine” or *Weltanschauung* have to translate their provisions from esoteric language into a language understandable to all citizens (cf. Agadjanian 2012b: 104). Habermas argues, however, that the language of secular reasons must dominate only the formal public sphere, including courts and administration.⁶⁸ The rest of the public space

66 «Мы хотим способствовать утверждению толерантности и в то же время защищать фундаментальные свободы и прежде всего *религиозную свободу*, а также отстаивать *законное право религии* на присутствие в публичной сфере». (Italics mine).

67 «Мы хотим научить молодёжь любви к Богу, человеку и земному отечеству и приобщить её к духу христианской культуры, плодом которой будет *уважение, терпимость и справедливость*». (Italics mine).

68 “Every citizen must know and accept that only secular reasons count beyond the institutional threshold that divides the informal public sphere from parliaments, courts, ministries and administrations” (Habermas 2006: 9).

should be equally permissible for religious language.⁶⁹ As if in line with these prerequisites, in order to convey her ideas to secular actors, the ROC partially translates her cultural codes into secular language, as we can see in the above examples. However, the translation process runs both ways. By incorporating secular terminology into religious parlance, the ROC creates her post-religious canonic “new-oldepeak” at the crossroads of the two linguistic systems. This approach makes her canon law a medium for promoting values of reason and science among Orthodox believers. An example of the evolution theory, reinterpreted within the creation concept (or *vice versa*), is apt in this regard. On the other hand, in order to absorb the HRD and other related issues, the Church has to back-translate them into the language of religion and see if they can be built in.

Vasilios N. Makrides opined that “the discourse on ‘multiple modernities’ [...] beyond the Western one has become a dominant pattern of thought in contemporary social and cultural studies. In this reading, there may thus be a particular way to modernity for Orthodox cultures as well” (Makrides 2008: 3). The ROC provides cogent materials testifying that the comprehensive cultural program and socially relevant solutions, which the modern Moscow Patriarchate as a public actor puts forward in its post-Soviet canon law, can be branded a Russian Orthodox model of modernity. This model is based on two cornerstones: the soteriological perspective (afterlife strategy) and cooperation with secular partners.

1.14. Methods

1.14.1. Document Study

In studying the canonic documents of the ROC dedicated to relations with state and society, adopted after the fall of the Soviet Union, I attempt to take into account their authorship, time, target audience, as well as political and social context embedded in their production and adoption. Questions such as who, when, and how contributed to the respective texts, however, do not always find their satisfactory answers (see the preamble to section 5).

69 „Säkularisierte Bürger dürfen [...] weder religiösen Weltbildern grundsätzlich ein Wahrheitspotenzial absprechen, noch den gläubigen Mitbürgern das Recht bestreiten, in religiöser Sprache Beiträge zur öffentlichen Diskussion zu machen. Eine liberale politische Kultur kann sogar von den säkularisierten Bürgern erwarten, dass sie sich an Anstrengungen beteiligen, relevante Beiträge aus der religiösen in eine öffentlich zugängliche Sprache zu übersetzen“ (Habermas/Benedikt 2005: 36).

1.14.2. The Translation Proviso

I apply the translation proviso to both religious and secular texts, translating the latter into the “native” Orthodox language, and the other way around. This approach helps better understand how the ROC tackles specific secular values once they are presented in its intrinsic cultural codes. Besides, it highlights the points where Orthodox canon law and the HRD can potentially cooperate.

1.14.3. Theology as a Method of Research

Studying church-related matters, one must consider a number of theological issues. When writing about Orthodoxy, researchers tend to call “theology” every church-related concept, including social relations and anthropology. In reality, Orthodoxy has a narrow understanding of theology (i.e., trinitology, christology, and pneumatology).⁷⁰ One should make a distinction between theology proper, ecclesiology, and “theological philosophy” on social matters, including “political theology” and “public theology.”⁷¹ References to theology help establish the points of divergence between the HRD and Orthodox canon law, on the one hand; and Church, state, and society, on the other hand; as well as highlight the points of their potential cooperation. Promoting the principal separation of Church and state, the ROC at the same time supports the (reinvented) ancient concept known as symphony of powers, which in turn draws on the christological dogma of two natures in Christ, formulated by the IV Ecumenical Council in Chalcedon (451 C.E.). The concept of the church-state symphony, elaborated in *Corpus Iuris Civilis* a century later, and appreciated by the ROC today, is hence a theopolitical metonymy (see section 6.1.1).

1.14.4. Translingual Bible Criticism

On several occasions, I analyze canon law through appealing to Bible criticism, involving some translingual deconstructions of the promoted concepts. For instance, this is the case with the divorce provision, when a reading from the Old Testament is likely to receive a binding, yet misleading, interpretation in

70 Cf. a shrewd observation of Chris Hahn: “The very concept of *theologia* itself does not have quite the same meaning in the East, where it is ‘not a scholarly discourse *on* God; it is rather a liturgical discourse *of* and *between* God and human beings” (Hahn 2011: 8).

71 Consider, for instance, the following statement whose author evidently misses the point: “Identification of church with the state characterizes the *dogmatic* tradition of ecumenical Orthodoxy” (Chumachenko 2002: 194). (Italics mine).

the ROC. Another example pertains to the theorization of power (“there is no power except from God”), expressed in the famous passage in Romans 13. In particular, this approach allows me to reevaluate Apostle Paul as a thinker (see section 6.4.1).

1.14.5. The “Trinitarian” Approach

My approach is “trinitarian,” considering Church, state, and society. It is in line with the tripartite thinking of ROC canon law (see section 5.3), as well as with the philosophy of her leading ideologists⁷² and intellectuals.⁷³ This approach allows one to surmount the opposition Church – state, which is quite standard for the academic field, and to present the ROC’s model in its entirety.

1.14.6. The Public Canon Discourse Analysis as a Method

I use the canon discourse analysis (of interviews, public statements, and articles authored by Church hierarchs such as Patriarch Kirill) as a research method in order to emphasize certain points or aspects in the canonic documents. Comparing canon law and the discourse, it becomes clear that the discourse is much more emotional and outspoken, whereas canon law is more reserved and balanced. For example, Patriarch Kirill can indulge in the following contextual evaluation of modernity that radically opposes the general constructive trend in canon law. When visiting a family-oriented facility in 2013, he stated:

The man is indoctrinated that he lives only once and has to relish life. However, what does it mean to relish life? It means unlocking one’s instinct [...]. What is propagated by the modern civilization today is an absolutely ungodly idea; I would say, it is a *satanic* idea. And where there is evil, there is death. People do not understand it and stare at pretty covers of magazines, where everyone is so pretty, and advertisement infatuates. In reality, it is just a candy paper, a wrapper. And what is inside? Inside, there can be the most *horrible*. (Kirill 2013f)⁷⁴

72 Cf.: «Церковь, народ и власть – одно целое» [“Church, people, and power are one integrity” (Chaplin 2007a)].

73 Cf.: «Это осознание заставляет церкви переходить от двумерных отношений “Церковь-государство” в трёхмерные: “Церковь-государство-общество”» [“This understanding makes the Churches switch from the two-dimensional relations ‘Church–state’ to the three-dimensional ones, ‘Church–state–society’” (Hovorun 2013)].

74 «Человеку внушается, что он живёт один раз и он должен наслаждаться. А что такое наслаждаться жизнью? Это значит раскрепощать свой инстинкт [...]. То, что сегодня проповедует современная цивилизация, – это совершенно безбожная идея, я бы сказал, *сатанинская* идея. А где зло, там гибель. Люди этого

The ROC favors large families, and Kirill had to push the envelope of his eloquence to convince the listeners. Nevertheless, he chose extreme figures of speech such as calling modern civilization “satanic.” In another public statement on homosexuality, Kirill connected this phenomenon and its legalization in a number of Western countries with the Apocalypse, calling it “an apocalyptic symptom” (*апокалиптический симптом*) (Kirill 2013g). This rhetoric stands in contrast to conservative doctrines in ROC canon law, which, despite the overall negative stance on homosexuality, confines its red line to the issue of “public propaganda” (see section 5.6.9).

On the other hand, the discourse helps find better angles to tackle canon law. In March 2015, Kirill spoke at the Russian National Congress (*Русский Народный Собор*) in Kaliningrad, whose geographical location gave the name of that year’s sitting *The Borders of Russian Statehood* (*Рубежи Российской Государственности*). Referring to the area where the Russian territory ends, and calling Russia a “separate civilization,” Kirill proposed the following concept:

This is a country and civilization [in one], whose borders, mission, and meaning of being are determined by spiritual values [...]. Therefore, our worldview mindsets are our borders, too, which are there to guard our civilizational identity. [...] I do not call to deny West European experience. [However] we should not give up our own spiritual values, preserving the Orthodox faith and our national self-awareness. (Kirill 2015e: 17–8)⁷⁵

Kirill connects Orthodox morality and Russian nationality, building the latter on the former. Connecting modern canon law with the challenges of modernity, the ROC leader at the same time helps shape Russian identity.

Another prominent speaker is Andrei Kuraev, a learned deacon from Moscow. Kuraev is known for his highly critical stance towards the Orthodox Church canons as “outdated” and often inapplicable to the present. For instance, referring to *The Apostolic Canons*, he wonders:

This is just a small part of the *long forgotten* Church rules. Moreover, there is no adequate and “official” explanation of the fact, why out of a few hundred Church canons

не понимают, смотрят на красивые обложки журналов, там все такие красивые, реклама – голову кружит. На самом деле это просто фантик, обёртка. А что внутри? Внутри может быть самое *страшное*. (*Italics mine*).

- 75 «Это – страна-цивилизация, чьи пределы, миссия и смысл бытия определяются духовными ценностями [...]. Потому нашими рубежами являются и наши мировоззренческие установки, стоящие на страже нашей цивилизационной идентичности. [...] Я вовсе не призываю отвергать западноевропейский опыт. [Но] мы не должны поступаться своими духовными ценностями, сохраняя православную веру и наше национальное самосознание».

only a few dozen are recognized as applicable. In real Church life, the canons are needed only as a database for finding an item against a priest who is out of favor with his bishop. They never work the other way around. (Kuraev 2015)⁷⁶

According to Kuraev, the canons today serve only the purpose of subjecting or restraining priests by the Church leadership. I can add, based on the precedent of the *Pussy Riot* trial in 2012, that the canons have even been used by the state authorities against dissident citizens, whereas the ROC leaders did not bother to deconstruct the state's approach to her canon law (see Ponomariov 2013; cf. Willems 2013). Kuraev is currently out of favor with the Patriarch, after spending many years in proximity to the Church leadership. This fact makes his position even more interesting, being a living resentment against the state of the matters in the ROC.

The third aspect of the public discourse is that it can explicitly contradict the official guidelines of canon law in terms of the preferable state form. For instance, the document *On Relations between Church, State, and Secular Society on the Canonically Defined Territory of the Moscow Patriarchate at Present* (*О взаимоотношениях Церкви с государством и светским обществом на канонической территории Московского Патриархата в настоящее время*), adopted in 1994, and *Concept*, adopted in 2000, emphasize the fact that “the Church does not give preference to any social system or any of the existing political doctrines” (Opredelenie 1994: 2; Bases 2000: III.7). In particular, Vsevolod Chaplin, while heading the ROC's Public Relations Department, disregarded the said canon law provision and promulgated “socialism with an Orthodox face” as the best political system. In a 2015 interview, he made the following statement:

Of course, we like socialism... This system should have been freed from atheism. This is a jurist system that was based on a Christian *contuition*... Uniting it along with a strong central [state] power, which has always expressed Orthodox traditions... [Question: – There existed a strong central power all this time – there was Stalin...] Yes. It was an Orthodox model. The only wrong element in it was atheism. Strong centralized power and a powerful emphasis on fairness. Including economic and social [fairness]. It was an Orthodox model. (Snob 2015)⁷⁷

76 «Это лишь малая часть давно забытых церковных правил. И никакого внятного и тем паче “официального” объяснения тому, почему из нескольких сот церковных канонов действующими признаются лишь несколько десятков – нет. В реальной церковной жизни каноны нужны лишь как база данных для подыскивания статьи против неугодного епископу священника. В обратную сторону они никогда не работают». (Italics mine).

77 «Конечно, социализм нам нравится... Эту систему нужно было освободить от атеизма. Это правовая система, которая была основана на христианской

It is noteworthy that Chaplin uses the rare word *контуиция*, ostensibly meaning a certain cooperation between human and divine intuition, a sort of synergy. Socialism, even “corrected” in line with the Orthodox doctrine, was presented by Chaplin and through him by the ROC’s administration as a “divine” model of life, stressing the importance of Orthodoxy for Russia even in the years of state atheism. Chaplin felt authoritative enough to contradict the canon law regarding the irrelevance of state order for the Church on earth.

These and similar discourse points help highlight the difference between ROC canon law and actual practices, which raises questions as to the meanings and intentions invested in canon law. For example, the described gap reflects Russian mentality, which perceives any law as a makeshift phenomenon, as something that could be bypassed when need be. Canon law seeks for ways of coexistence, whereas the discourse can “award” modernity with highly negative characteristics. Hence, the emotional outspokenness of the discourse compared to the overall rather “friendly” sanity of ROC canon law creates a specific framework for research.

Some ROC resolutions, despite their official status, stand rather between the public discourse and canon law. For example, this is the case with the document called *Address of the Bishops’ Council of the Russian Orthodox Church on Countering Extremism and Terrorism* (*Заявление Архиерейского Собора Русской Православной Церкви о противодействии экстремизму и терроризму*), adopted on October 6, 2004. The resolution was triggered by the terrorist attack in Beslan (North Ossetia) in September 2004, when schoolchildren were taken hostage and more than 300 people were killed. The ROC deplored terrorism, whose roots she sees in the spiritual vacuum, which, in turn, must be overcome to a great extent through morality in the state-sponsored education system and media coverage, because the state is responsible for fighting evil (Terrorizm 2004).⁷⁸ The peoples of Russia, continues the document, must turn to morality

контуиции... Объединить с сильной центральной властью, которая всегда собственно православные традиции выражала... [Вопрос: – Сильная центральная власть была все эти годы – Сталин был...] Да. И это была как раз православная модель. В ней неправильным было только безбожие. Сильная центральная власть и мощный акцент на справедливость. В том числе экономическую и социальную. Это была православная модель». (Italics mine).

78 «Для устранения этого вакуума сегодня недостаточно только церковной проповеди. Необходимо, чтобы духовно-нравственное воспитание присутствовало в системе образования и в средствах массовой информации. Ответственность за это лежит на государстве, духовный смысл существования которого – в ограничении

and a peaceful dialogue with cultures and religions, and thus the virus of extremism can be defeated (Terrorizm 2004).⁷⁹

1.14.7. Languages, Scripts, Figures, Tables

The translations of the texts quoted herein are mine, unless otherwise indicated. It is quite habitual for academic writing to transliterate foreign texts. Those not familiar with the languages in question are thus supposed to read transliterations, without understanding them. Moreover, readers who are unfamiliar with the languages will hardly benefit from having to do not with the actual scripts, but with their substitutes. I quote the sources in their standard original scripts. The transliteration “Yeltsin” (the first President of the Russian Federation, 1991–1999) is used instead of “Iel'tsin,” as internationally established. Using the feminine pronoun “she,” “her,” and “herself” in reference to the Church instead of “it” and “itself,” I do so for the sake of linguistic clarity, which helps avoid misunderstanding in long sentences with many “its,” etc. A few *Figures*, with indication of their sources, help highlight some of the points discussed in the text.

1.14.8. A Diachronic Approach to the ROC Documents

Below, the sources used herein are listed in a chronological order. This provides a convenient outline of the actual development of the canonic thought of the ROC, which goes from more reserved and wary evaluations of external cultural influences to a more open cooperation with modern secular trends. To show the succession of the documents adopted after 2000, the ROC uses the *Concept* as a

зла и поддержке добра» [“In order to eliminate the vacuum, the Church’s kerygma alone does not suffice. It is necessary that the spiritual and moral education be present in both the education system and mass media. The state is responsible for it, the spiritual meaning of whose existence is to limit evil and support good”].

79 This document is not a law, but a word of public support to the state authorities, expressed by a Bishops’ Council: albeit the document denounces extremist acts and their substantiation, it does not impose an explicit ban on such acts. As a result, Orthodox “zealots” would see no formal ecclesiastical and moral prohibition if they decided to commit some sort of violence (cultural or physical) against those objects or people whom they might define as “enemies” of Orthodoxy. The activities of the marginal yet media-advertised Orthodox group *God’s Will* (*Божья Воля*), who on several occasions publicly confronted others, such as shirtfronting pedestrians in “wrong” clothes (Enteo 2015) or ruining exhibitions that defy their idea of morality (Pogrom 2015), demonstrate it clearly. The appearance of a ROC’s initiative targeting extremism more specifically is a matter of time.

basis. Despite this formal continuity, recent documents betray the need for its amending. The overall comparison draws a comprehensive picture of the canonic development of the post-Soviet ROC.

1.15. The Sources

I use an extensive number of primary source documents in original languages. Many sources will yet be available in a fundamental print collection of the ROC documents, consisting of a few volumes. To date, the first three volumes of the series have been published (Normativnye Dokumenty 2013; Deiatel'nost' 2014; Deiatel'nost' 2015). However, the selection and structuring of the documents raises some questions from the outset. For example, the first volume begins with the applicable redaction of the Statute of the Russian Orthodox Church, but then it republishes some chapters of the Statute in other sections. It duplicates the materials and confuses the reader. Besides, it increases the number of pages in the volume. Other than that, the planned edition of the ROC documents is invaluable for studying contemporary Russian Orthodox canon law. Until all the volumes of the series make their way to the public in the near future, researchers must work with other publications scattered across an array of editions, including official online resources.⁸⁰

One of the key canon law sources is the document called *The Bases of the Social Concept of the Russian Orthodox Church*. The *Concept* is a multifaceted canonic, historical, philosophical, and theological text requiring an extensive academic apparatus to work with.⁸¹ It was adopted in August 2000, under Patriarch Aleksii II, (although it had been prepared under Kirill, then a Metropolitan), in the year memorable by the canonization of the royal Romanov family, on the one hand, and by the first election of Vladimir Putin as President of Russia, on the other hand. This overlap suggests food for thought as to whether these events are a mere coincidence, which is probably so, although the close relationship between Putin and Kirill today is no longer coincidental. Besides, the ROC proposes two more key provisions on dealing with the “externals,” such as *The Bases of Attitude of the Russian Orthodox Church to Non-Orthodoxy* (2000) and *The Russian Orthodox Church's Basic Teaching on Human Dignity, Freedom, and*

80 After 2015, the ROC produced a few drafts (e.g., Globalization 2016), that should be analyzed in another publication.

81 For one, it refers to sources of various nature and origin, and, apart from the Bible, it uses materials from the *Corpus Iuris Civilis* (Novellae 1959) to present-day legislation, philosophy (e.g., Khomiakov 1907a), and history (e.g., Dekret 1918).

Rights (2008). Moreover, a range of other texts augments the corpus of ROC canon law on the subject, such as:

4. *Обращение Архиерейского Собора Русской Православной Церкви «ко всем ближним и дальним»* (Appeal of the Bishops' Council of the Russian Orthodox Church to "All Who Are Far and Near," 1992);
5. *О взаимоотношениях Церкви с государством и светским обществом на канонической территории Московского Патриархата в настоящее время* (On Relations between Church, State, and Secular Society on the Canonic Territory of the Moscow Patriarchate at Present, 1994);
6. *О псевдохристианских сектах, неоязычестве и оккультизме* (On Pseudo-Christian Sects, Neopaganism, and Occultism, 1994);
7. *О православной миссии в современном мире* (On Orthodox Mission in the Modern World, 1994);
8. *О сотрудничестве церковных структур со светскими СМИ* (On Cooperation between Church Structures and Secular Media, 1997);
9. *Об участвовавших случаях злоупотребления некоторыми пастырями вверенной им от Бога властью вязать и решить* (On Frequent Cases of Abuses, by Some Pastors, of the Power Given to them from God to Bind and Loose, 1998);
10. *«Уважать чувства верующих. Хранить христианское трезвомыслие» Заявление Священного Синода Русской Православной Церкви* ("Respecting the Feelings of Believers. Keeping the Christian Sobriety of Mind." A Statement of the Holy Synod of the Russian Orthodox Church, 2000);
11. *О более активном взаимодействии со светскими СМИ* (On a More Active Interaction with Secular Media, 2000);
12. *Обращение Архиерейского Собора Русской Православной Церкви по вопросам демографии* (Address of the Bishops' Council of the Russian Orthodox Church on the Issues of Demography, 2004);
13. *О недопустимости для архиереев выступать в СМИ, провоцирующих экстремистские настроения в церковной среде и порочащих Священноначалие Русской Православной Церкви* (On Inadmissibility for the Hierarchy to Make Statements in the Media that Provoke Extremist Attitudes in the Church Environment and Blemish the Hierarchy of the Russian Orthodox Church, 2004);
14. *О необходимости назначения лиц, ответственных за работу со СМИ, во всех епархиях Русской Православной Церкви* (On the Necessity of Appointing the Persons Responsible for Cooperation with the Media in All Dioceses of the Russian Orthodox Church, 2004);

15. *Концепция участия Русской Православной Церкви в борьбе с распространением ВИЧ/СПИДа и работе с людьми, живущими с ВИЧ/СПИДом* (Concept of Participation of the Russian Orthodox Church in Overcoming the Proliferation of AIDS/HIV and Work with the People Living with AIDS/HIV, 2005);
16. *Акт о каноническом общении* (Act on Canonic Communion, 2007);
17. *Концепция миссионерской деятельности Русской Православной Церкви* (Concept of Missionary Activities of the Russian Orthodox Church, 2007);
18. *Об информационной деятельности Русской Православной Церкви* (On Informational Activities of the Russian Orthodox Church, 2008);
19. *Об информационной деятельности* (On Informational Activities, 2010);
20. *Отношение Русской Православной Церкви к намеренному публичному богохульству и клевете в адрес Церкви* (Attitude of the Russian Orthodox Church to Intended Public Blasphemy and Slander towards the Church, 2011);
21. *Заявление Освященного Архиерейского Собора Русской Православной Церкви о жизни и проблемах коренных малочисленных народов* (Statement of the Bishops' Council of the Russian Orthodox Church on Life and Problems of Indigenous Small Peoples, 2011);
22. *Практика заявлений и действий иерархов, духовенства, монашествующих и мирян во время предвыборных кампаний. Проблема выдвижения духовенством своих кандидатур на выборах* (Practice of Statements and Actions of the Hierarchs, the Clergy, Monks, and Laymen during Election Campaigns. The Problem of Nomination of Clergy Candidates in Elections, 2011);
23. *Общественная деятельность православных христиан* (Public Activities of Orthodox Christians, 2011);
24. *Об обеспечении присутствия Церкви в современном информационном пространстве* (On Providing the Church Presence in the Modern Informational Space, 2011);
25. *О православных верующих, крещёных в других Поместных Православных Церквях* (On Orthodox Believers Baptized in Other Local Orthodox Churches, 2012);
26. *Об участии Русской Православной Церкви в реабилитации наркозависимых* (On Participation of the Russian Orthodox Church in Rehabilitation of Drug Addicts, 2012);
27. *Позиция Церкви в связи с развитием технологий учёта и обработки персональных данных* (Position of the Church in Connection with the

- Development of Accounting and Personal Data Processing Technologies, 2013);
28. *Позиция Русской Православной Церкви по актуальным проблемам экологии* (Position of the Russian Orthodox Church on Topical Ecology Problems, 2013);
 29. *Устав Русской Православной Церкви* (Statute of the Russian Orthodox Church, 2013);
 30. *Церковно-государственные отношения в странах канонической ответственности Русской Православной Церкви* (Church-State Relations in the Countries of Canonic Responsibility of the Russian Orthodox Church, 2013);
 31. *Позиция Московского Патриархата по вопросу о первенстве во Вселенской Церкви* (Position of the Moscow Patriarchate on the Issue of Primacy in the Ecumenical Church, 2013);
 32. *Позиция Русской Православной Церкви по реформе семейного права и проблемам ювенальной юстиции* (Position of the Russian Orthodox Church on the Reform of Family Law and the Problems of Juvenile Justice, 2013);
 33. *О современной внешней миссии Русской Православной Церкви* (On Modern External Mission of the Russian Orthodox Church, 2013);
 34. *О задачах общецерковной информационной политики* (On Tasks of the pan-Church Informational Policy, 2013);
 35. *О крещении младенцев, родившихся при помощи «суррогатной матери»* (On Baptism of Babies Born by a “Surrogate Mother,” 2014);
 36. *Концепция Русской Православной Церкви по утверждению трезвости и профилактике алкоголизма* (Concept of the Russian Orthodox Church on Strengthening Sobriety and Prophylactics of Alcoholism, 2014);
 37. *Принципы и направления работы с мигрантами в Русской Православной Церкви* (Principles and Directions of Work with Migrants in the Russian Orthodox Church, 2014);
 38. *Методические рекомендации об участии Русской Православной Церкви в природоохранной деятельности* (Methodological Recommendations on Participation of the Russian Orthodox Church in Ecological Activities, 2015).

1.16. The State of Research

I intend to fill the gap of comprehensive studies of contemporary ROC canon law, especially considering recent developments. Although there are many works dedicated to church-state relations in Russia, either they do not study

ROC canon law (e.g., Codevilla 1998, 2011; Roccucci 2003), or they pay attention to the public discourse (e.g., Simons 2009; Alshanskaya 2016) or “public theology” (e.g., Hovorun 2017b). Some accounts are interesting in terms of Patriarch Kirill’s idea of *Русский мир*, or the “Russian Ecumene,” (e.g., Filatov 2011, 2012), which, though, is not reflected in the applicable documents. Some authors occasionally speak about the *Concept* (e.g., Daniel 2006; Knox 2010; Papkova 2011); give a general survey (e.g., Prokschi 2013; Bremer 2013); or focus on political culture (e.g., Richters 2013). Some authors look at the *Concept* in the light of the Roman Catholic tradition (e.g., Schönborn 2007); some tackle it from the point of view of political theory (e.g., Kostjuk 2001; Uertz 2001, 2007), failing to provide a coherent picture of ROC canon law in question. Kostjuk and Uertz, nevertheless, point out that the *Concept* signals a step of the ROC towards modernity (Uertz 2004; Kostjuk 2004), which is also accepted with a degree of reservation by Stoeckl (Stoeckl 2012, 2014, 2016a). Apart from general Orthodox canon law courses (e.g., Tsypin 2004, 2012; Potz/Synek 2014), there are specialized studies on sources of canon law (e.g., Ferme 2007; Troianos 2011, 2017; Hartmann/Pennington 2012), including an edition in the form of a dictionary (Mihai 2014). Greek authors, apart from general issues (e.g., Phidas 1998), naturally incline to write about canon law in Greece and Cyprus (e.g., Troianos/Poules 2003); and Kyriazopoulos 2008 provides a translation of the ROC’s Statute, adopted in 2000, and some documents of the ROC Council of 1917–1918 into Modern Greek. Troianos 2012 and Richter 2005 focus on the principle of οἰκονομία, and Karamboula 2002 tackles συμφωνία in late antiquity. Some have arranged a collection of legislation on religion in post-Communist countries, including Russia, Ukraine, and Belarus (e.g., Durham/Ferrari 2004), representing state regulatory policy. Some cover “foreign policy” of the Moscow Patriarchate (e.g., Blitt 2011) or stress the church-state issue in its constitutional aspect (e.g., Blitt 2010).

Vasilios N. Makrides theorizes on relations between Church and state, critically assessing the predominant church-state frame as “West European exceptionalism” (Makrides 2005: 150). Given that the Orthodox were never a part of the Western program of modernity, it is “absurd” to expect that Orthodoxy in general and the ROC in particular would automatically come to terms with modern secularity (Makrides 2015: 73). He speculates specifically on the “opposition of modernity and religion” (Makrides 2012a: 248) and the interrelation of modernity, postmodernity, and Orthodox Christianity in the context of “different and coexisting modernities across the globe, and not just a single one based on West European premises” (Makrides 2012a: 248). Besides, Makrides grounds Orthodox

responses to the HRD in four major positions: “1) an acceptance which displays a willingness to compromise and to mediate; 2) an ambivalent attitude and critical reserve; 3) fundamental disapproval and rejection; 4) pragmatic acceptance and self-criticism” (Makrides 2012b: 320). He also tackles “Orthodox rigorism” or “fundamentalist-like phenomena” in Orthodoxy (Makrides 2016; cf. Makrides/Uffelman 2003). In addition to this, Aristotle Papanikolaou resolves the rigorist Orthodox approach “either Eucharist or democracy” in the way that democracy is not a “betrayal of the ecclesial vision of the world” (Papanikolaou 2012: 56).

A collection of articles dedicated to Orthodoxy and Eastern Christianity and politics in the twenty-first century tackles the issue in a few ways (Leustean 2014a). It provides brief outlines of all the LOCs and other Eastern churches around the globe in one volume. In particular, it touches on the Cold War legacy, as well as secularization, nationalism, and globalism in Orthodox societies. The authors point out that globalization “raises a question of the diversity of Eastern Christianity,” and argue that it “will continue to be a ‘family of churches’ which is prone to divisions and new configurations” (Leustean 2014b: 16). In this regard, the question of Orthodox diasporas gains importance (Leustean 2014b: 14). Within the political aspect, the traditional East Christian notion “symphony of powers,” rooted in the Byzantine heritage, and the problems connected with its implementation in modern circumstances are emphasized. The authors argue that the idea of symphony “remains a controversial concept mainly because it does not impose a clear distinction between religious and political rulers, while the boundaries between the spiritual and profane remain unclear” (Leustean 2014b: 11). Another view, for instance, is suggested by Risto Saarinen and Pauliina Arola who see in the ROC’s *Concept* the idea of a “new symphony” (Arola/Saarinen 2002: 135).

The *Concept* and *The Russian Orthodox Church’s Basic Teaching on Human Dignity, Freedom, and Rights* received a generous amount of attention from Alexander Agadjanian (2008, 2012, 2014). In both cases, the author puts forward his general idea of the ROC “radically breaking off with the traditional indifference” (Agadjanian 2008: 14) and catching up with modernity, which is paradoxically “accepted through refusal” (Agadjanian 2008: 6). In particular, Agadjanian sees the “climax of the general paradigm” of the *Concept* in “protecting the *particular traditional identity* (of a person, a nation or a Church) against the pressure of global secular universalism” (Agadjanian 2014: 152). Moreover, he argues that the *Concept* “rejects the whole project of Modernity and its more recent form, globalization” (Agadjanian 2014: 143). On the other hand, he points out a more flexible approach to modernity in the 2008 document on freedom and dignity.

Precisely in this way, by the very fact of engaging in the rights talk, the ROC, although rejecting this talk in the Western redaction, “goes beyond the *protective* negotiation and towards an *active* negotiation” in order to influence the “semantic universe dominated by liberal rights talk” (Agadjanian 2014: 174). According to the author, the tendency in the documents is a change from a deep defense (2000) to an active offensive (2008).

A collection of contributions on human rights and the Church, among them a few touching on the ROC, came out in 2016 (Makrides/Wasmuth/Kube 2016). In it, one of the authors of the ROC’s human rights doctrine upholds the point of view that “the idea of human rights has deep Christian roots” and, moreover, defends the idea that human dignity is “an innate category of human nature” (Hovorun 2016: 46). Kristina Stoeckl concludes that the ROC “changed its approach to the human rights issue from 1999 to 2008” (Stoeckl 2016a: 27). Regula Zwahlen, on the one hand, agrees with it: the ROC does not criticize the institution of human rights *per se*, the critique rather focuses on “berechtigzte Anfragen zu deren weiterer Ausgestaltung” (Zwahlen 2016: 92); on the other hand, it is stated that the ROC “neglects one of the main premises on which modern pluralist societies are based” (Zwahlen 2016: 87). Jennifer Wasmuth (2016: 49) believes that both the *Concept* and the human rights and dignity document were written more for members of the ROC, and do not constitute political statements. This view is contradicted by Katja Richters (2016: 121) who sees the ROC as being very pragmatic, specifically claiming “a voice for Christians at the Council of Europe.” Rudolf Uertz (2016: 77) thinks that the idea of symphony, promoted by the ROC, is at present impossible because it requires a religiously homogeneous society, which does not exist due to liberalization, pluralization, and secularization. Stefan Tobler (2016) opposes the idea that religion can be a collective thing, which is defended by the ROC (and, one can add, by some other religions, such as Islam), and reiterates the modern Western conviction that “Glauben ist immer eine zutiefst persönliche Sache.”

Two volumes on religion in modern Russia (Patriarkh 2012; Montazh 2014) focus mostly on ROC-state relations. The approach is based on selected personalities and their public statements, interviews, and articles of the involved parties, both the clergy and politicians. Interestingly, the evaluations of the ongoing developments are polarized. One can trace an unfolding negative stance of certain authors towards the ROC between 2012 and 2014 (cf. Filatov 2012, 2014), expressed in verbal invectives akin to the early Soviet press (e.g., *церковники*, *духовные командиры*). On the other hand, Boris Knorre speaks of the “Church language of meanings” (Knorre 2014: 55) adopted in the Russian polity, and the renewed importance of the sacral as signs of the actual “post-secular turn” in

Russia (Knorre 2014: 89). He underlines the fact that secularity is still understood by some protagonists thereof as secular rigorism, “minimizing the possibility of a dialogue” (Knorre 2014: 94–95), whereas Orthodoxy has gotten a firm foothold in the Russian public space and, therefore, the most adequate response to the new actualities should be a cooperation between the secular and religious principles (Knorre 2014: 94–95). The secular outlook is seen as no longer the only *a priori* “true” option for society. On the contrary, it needs to be substantiated, considering various social groups and demands, as well as the negative experience of the past (Knorre 2014: 95–96). Oleg Morozov (2014) acknowledges that the ROC is a powerful factor in shaping new Russian “historical memory” through modernization of the past. He noted that, in her historiosophy, the ROC often refers to Western conservative thinkers such as Oswald Spengler and Arnold Toynbee, as well as Samuel Huntington and his concept of the clash of civilizations. They belong to Western modernity, and appealing to their ideas by the ROC leaders is noteworthy. Irina Glushkova (2014) analyses India, whose Eastern model of modernity also finds common points with the ROC (cf. Bogokhuľstvo 2011).

An overview in the English language of the recent history of the ROC is available in Knox/Mitrofanova 2014. Babkin 2006 and Babkin 2007 focus on the Church and the Revolution of 1917. Shkarovskii 2007 provides valuable research on the Russian Orthodox Church Abroad and her relations with the Third Reich. Three keen monographs come in handy in terms of studying the standing of the ROC in the 20th century (Pospelovskii 1995), and including the early 21st century (Beglov/Vasil'eva/Zhuravskii 2008 and Shkarovskii 2010). Zubov 2010a and Zubov 2010b provide a general historical narrative pertaining to the Soviet Union, post-Soviet Russia, and the ROC.

1.17. The Structure

This study consists of seven sections. Following the *Introduction* (section 1), the *Orthodox Canon Law* (section 2) outlines the overall principles and composition of Orthodox canon law. The section on *External Aspects of the Orthodox Church* (section 3) discusses issues of the Church's external identification and evaluation. The section on *The ROC-State Cooperation from 1917 until 1991* (section 4) provides a historical perspective of the ROC standing in the Soviet period, covering a number of crucial moments. The section on *The Canon Law on Relations with State and Society* (section 5) is devoted to the analysis of the post-Soviet canonic provisions and their compatibility with modernity. The section on *Metareflection: Tradition, Modernity, Orthodoxy* (section 6) provides my critical pondering on such problems as the Church and state power, modern application of ancient

canons, and the correlation of tradition and modernity in the Church life in general. The section on *Church, State, and Society in Post-Secular Settings* (section 7) reflects and draws conclusions upon the modern ROC in her external relations with state and society.

2. Orthodox Canon Law⁸²

2.1. “Canon” and Types of Canon Law

The English word “canon” and other paronymous words originate from the Greek word κανών, which in turn goes back to Semitic קנה “cane.” Κανών has a number of meanings, from a straight rod or bar to the rules of the Church. It is clear that the initial “yardstick” made of cane was then extended to imply standards, norms, and rules (see Ohme 1998: 21–28).

Canon law can be fundamentally subdivided as follows (Tsypin 2012: 25): divine (instructions are believed to originate “directly from God”); positive or ecclesiastical (Ferme 2007: 8–9), that is, Church acts; internal; external (relations with state and society); written; oral (binding traditions); common (laws mandatory for all the LOCs); particular (laws applicable to some LOCs). Hence, the ROC canon law analyzed herein can be categorized as external, ecclesiastical, written, and particular.

2.2. The Structure of Canon Law

Traditionally, and apart from the Holy Scripture, the common Orthodox canons are collected in respective editions and ecclesiastical documents in four groups (Ohme 2012; Pedalion 1886; Milaš 1895, 1896): 1) *The Apostolic Canons* (IV century C.E.); 2) canons of seven Ecumenical Councils; 3) canons of ten local Church councils; and 4) canons of distinguished Church Fathers. Respective charters and regulations of local Churches as a rule augment these canonic regulations and thus complete the law framework (Patsavos 2003: 6). Unlike the Roman Catholic tradition, the seven Ecumenical Councils are the only councils recognized as “ecumenical” in Orthodoxy. They include the First Council of Nicaea (325 C.E.); the First Council of Constantinople (381 C.E.); the Council of Ephesus (431 C.E.); the Council of Chalcedon (451 C.E.); the Second Council of Constantinople (553 C.E.); the Third Council of Constantinople (680/681 C.E.); and the Second Council of Nicaea (787 C.E.). The Trullo Council (691/692 C.E.) is of special canonic importance for Orthodoxy because it sums up the canon law tradition established before it, and “gives indication of which canonical texts have juridical value” (Ferme 2007: 87). *Inter alia*, canons of ten local Church synods and of some Church Fathers gained “universal” reception in Orthodoxy.

82 Here, I build on my publication Ponomariov 2013.

The mentioned Councils and their respective canons are so crucial that Orthodox bishops before their ordination take an oath, whose violation is subject to ecclesiastical punishment:

I promise to keep the canons of the Holy Apostles, and the seven Ecumenical and devout Councils that have been enacted to preserve the right commandments, and as many canons and holy charters have been expressed in various times and years from the true champions of the holy catholic Eastern Orthodox faith; and to keep all of those firmly and inviolably until the end of my life do I testify by my promise; and everything they have accepted, I accept, too; and everything they have rejected, I reject, too. (Milaš 1895: 434)⁸³

However, the solemn and strict intention of the above oath sometimes stands in contrast to contemporary ecclesiastical practices.

2.3. The Origin of Canon Law

There are many theories regarding the nature of law and legal relations,⁸⁴ and the ROC suggests an interesting option. It is based on the biblical narrative on the origin of human history as a catastrophe, known as original sin (Concept 2008: IV.1). Translated into secular language, it can be presented as a mutation of the once available “high-end” standard.⁸⁵ As a result, this mutation generates law in human societies as the lowest possible limit of moral order (Tsypin 2012: 12), in the form of commandments (Concept 2008: IV.1). It is thus a “will of God” concerning all the “sinners,” that is, all the humans after the mutation event. Against this background, the highest perch of law is the Old Testament commandments that are precursors of canon law.

83 «Объщаюся блюсти каноны святыхъ апостолъ и седми вселенскихъ, и благочестивыхъ помѣстныхъ соборовъ, иже на сохраненіе правыхъ велѣній суть узаконены, и елико по разнымъ временомъ и лѣтомъ отъ истинно поборствующихъ по святой каѳолическѣй восточнѣй православной вѣрѣ, каноны и святые уставы суть изображены, и та вся хранити крѣпщѣ и не нарушнѣ до кончины моея жизни съ симъ моимъ обѣщаніемъ свидѣтельствую; и вся, яже они пріяша, и азъ приѣмлю, и ихъ же они отвратишася, и азъ отвращаюся».

84 See, for instance, Sorokin 2007: 26–145 and Tsypin 2012: 6–15.

85 Cf.: «Произошло изменение состояния человеческой природы, затронувшее разумную, чувственную и телесную части человеческого существа. В результате греха телесному существованию человека от рождения до смерти сопутствуют болезни» (SPID 2005: I.2) [“The condition of human nature has changed to affect the intellectual, sensual and physical parts of the human being. As a result of sin, man’s physical existence is accompanied with illnesses from birth to death” (AIDS 2005: I.2)].

Since secular law regulates relations between people in society, it does not care about the exact motivation of these relations, and “it does not qualify the inner conditions of the human heart” (Bases 2000: IV.2).⁸⁶ That is to say, secular law is content with the fact that its subjects do not cross the prescribed red lines of social behavior. For instance, if they do not steal or kill. Whether this compliance is a result of fear, stipulated by possible sanctions, or a good will of citizens is entirely out of question for secular law, even if lawmakers have moral intentions.

Orthodoxy believes that, because of original sin, the world, including human nature, “lies in the [power of the] evil one” (1 Jn 5: 19).⁸⁷ According to the *Concept*, law must restrain this evil, manifesting the “divine providence” in the social and political spheres (Concept 2008: IV.2). Following Vladimir Solov’ev, a Russian religious philosopher of the late 19th century, it is popular to speak that law has to keep the world from turning into Hell (Concept 2008: IV.2; cf. Tsypin 2012: 12).⁸⁸ In fact, the ROC sees a connection between morality and law: “righteous people” do not need external limits, for their algorithm of decision-making approaches a different dimension of freedom (see section 5.10), since “law is not laid for a righteous person” (*праведнику закон не лежит*) (Tsypin 2012: 13).⁸⁹ Hence, “righteousness” is seen as the way of social improvement, which is based on fulfillment of God’s commandments and other moral norms professed by the Church.

Canon law, being a special law system, whose basis is considered a direct divine revelation, is different from secular law, for it aims at fighting sin and promoting moral guidance. This guidance is not self-sufficient: the victory over sin is deemed possible only in another, eschatological, reality, which is why canon law cannot replace the “law of the world” (Concept 2008: IV.5).

For the early Church, there was no explicit distinction between theology and canon law. The message of the Gospel and ecclesiastical practice used to be two sides of the same coin (Ferme 2007: 268). The *Concept* of the ROC hardly makes this distinction either, tending to somewhat merge theology, philosophy, and

86 «Оно не определяет внутренних состояний человеческого сердца [...]» (Concept 2008: IV.2).

87 “Ο κόσμος ὅλος ἐν τῷ πονηρῷ κεῖται.”

88 Cf. the following paraphrase of Patriarch Kirill: «Государство, как замечательно сказал Владимир Соловьев, не может создать рая из земной жизни, ключевая цель – не допустить её превращения в ад» (Kirill 2015b) [“The state, as wonderfully said Vladimir Solov’ev, cannot create paradise out of the mundane life; the key goal, however, is to not let it turn into Hell”].

89 “Δικαίῳ νόμος οὐ κεῖται, ἀνόμοιοι δὲ καὶ ἀνυποτάκτοις” (1 Tim 1: 9) [“The law is not made for a righteous man, but for the lawless and disobedient” (KJV)].

canon law. This approach can be viewed as a direct link to the pre-modern tradition, in which for the Church there was no principle distinction between the mentioned disciplines, because she saw canons as a practical manifestation of the Gospel narrative.

2.4. The Text, Tradition, and Post-Secularity

In line with the Protestant-Catholic discourse, it has become traditional for the Orthodox to believe that, in the Church, there are two parallel major sources of her doctrine and practice: the Holy Text and the Holy Tradition (Pots/Synek 2014: 289; cf. Troianos 2017: 47). The latter may include not only unwritten liturgical practices, but also received prescriptions of the Ecumenical Councils, Church Fathers, *et cetera*; that is, canon law in the broader sense. However, lately, this dichotomy is losing favor, and modern Orthodoxy tends to understand the Scripture as “traditioned” within the Church. It is therefore more productive to neither contrast the two nor present them as incomplete parts, but to see them as forms or ways of the same “revelation.” This understanding gained currency in the “Orthodox commonwealth” following the teaching of Elder Siluan († 1938) from Mount Athos (Sofronii 1999: 117–118).⁹⁰ Given the transmitted character of the Christian revelation from generation to generation, it is possible to speak of Tradition in relation to the Text as well. This approach was propagated by one of the most influential Russian theologians in Western Europe, Vladimir Losskii (Lossky 2010: 140), and it crossed over to other LOCs (see Troianos/Poules 2003: 31). It is noteworthy that Siluan demonstrates certain Orthodox anti-academism,

90 «Предание, как вечное и неизменное пребывание Духа Святого в Церкви, есть наиболее глубокая основа её бытия, и потому Предание объемлет собою всю жизнь Церкви настолько, что и самое Священное Писание является лишь одною из форм его. [...] Священное Писание не глубже и не важнее Священного Предания, но, как сказано выше, одна из его форм. Форма эта является ценнейшей и по удобству сохранения её, и по удобству пользования ею; но изъятое из потока Священного Предания, Писание не может быть понято, как должно, никакими научными исследованиями» [“Tradition, as the eternal and unchanging indwelling of the Holy Spirit in the Church, is the most profound basis of her existence, and therefore, Tradition embraces the whole life of the Church so much that even the Holy Scripture is but one of its forms. [...] The Holy Scripture is not deeper or more important than the Holy Tradition, but, as noted above, it is one of its forms. This form is the most valuable one both in terms of convenience of preservation and ease of using; however, if taken out from the flow of the Holy Tradition, the Scripture cannot be appropriately understood through any academic research”].

which can echo anti-Protestant polemics: the Protestant *sola Scriptura* principle acknowledges one form of Tradition (the Text) and rejects other forms. On the other hand, he suggests a comparative and interactive methodology for studying the Text, combining secular and religious aspects.

2.5. The Text

Canon law is derived from different forms of Tradition. For the sake of clarity, it is advisable to technically pars canon provisions into groups of origin, including subdivisions within the Text group *per se*.

The Holy Scripture as a form of revelation in Orthodoxy is one of the pillars of its canon law. In it, “normative provisions are discovered without difficulty” (Ferme 2007: 15). The New Testament contains a range of utterances of Jesus Christ and his disciples that bear a character of direct commandments. A good instance is provided in Matthew 18: 15–17.⁹¹ This biblical paragraph puts forward three stages of discipline communication, aiming at resolving interpersonal contradictions between Christians. It requires no further authority *ipso facto*, given that these are the words ascribed to Christ referring to the disciplinary norms of the Old Testament as we know it (Deut 19: 15).⁹² By this token, the Church connects the two codices in one and becomes a carrier of the ancient Hebrew tradition. Other New Testament prescriptions, however, may modify Old Testament regulations (cf. Mt 5).

One of the first Christian councils, and the first one whose records came down to us (in the corpus of the New Testament), was the Apostolic Council in Jerusalem, which took place around 50 C.E. Its provisions stipulate the following (Acts 15: 28–29): “For it seemed good to the Holy Spirit, and to us, to lay upon you no greater burden than these necessary things: that you abstain from things

91 “Ἐὰν δὲ ἀμαρτίσῃ [εἰς σὲ] ὁ ἀδελφός σου, ὑπάγε ἔλεγχον αὐτὸν μεταξύ σοῦ καὶ αὐτοῦ μόνου· ἐὰν σου ἀκούσῃ, ἐκέρδησας τὸν ἀδελφόν σου· ἐὰν δὲ μὴ ἀκούσῃ, παράλαβε μετὰ σοῦ ἕτι ἓνα ἢ δύο, ἵνα ἐπὶ στόματος δύο μαρτύρων ἢ τριῶν σταθῇ πᾶν ῥήμα· ἐὰν δὲ παρακούσῃ αὐτῶν, εἰπὲ τῇ ἐκκλησίᾳ· ἐὰν δὲ καὶ τῆς ἐκκλησίας παρακούσῃ, ἔστω σοι ὡσπερ ὁ ἐθνικὸς καὶ ὁ τελώνης” [“Moreover if your brother sins against you, go and tell him his fault between you and him alone. If he hears you, you have gained your brother. But if he will not hear, take with you one or two more, that by the mouth of two or three witnesses every word may be established. And if he refuses to hear them, tell it to the church. But if he refuses even to hear the church, let him be to you like a heathen and a tax collector” (NKJ)].

92 “על פי שני עדים או על פי שלשה עדים יקום דבר” [“A matter must be established by the testimony of two or three witnesses” (NIV)].

offered to idols, from blood, from things strangled, and from sexual immorality” (NKJ).⁹³ The quoted text represents the first known canons of the Church, adopted by a synod. It reveals the first ecclesiastical rule concerning food and sexual behavior of newly accepted Church members outside Palestine (cf. Apostolic Canon 63). This provision shows universal ambitions of the early Church.

The Scripture also contains instructions of the Apostles, such as Paul and Peter. For instance, one of Paul’s instructions prescribes wearing a head cover for women during their prayer activities (1 Cor 11: 1–10). This rule is usually taken for granted, without a critical reflection on the context.

2.6. *The Apostolic Canons and the Church Councils*

A collection of Church regulations known as *The Apostolic Canons* stands at the top of the hierarchy of Orthodox canon law after the Bible. Nikodim Milaš begins his *magnum opus* with the following referral to these Canons:

All canon law collections of the Orthodox Church in the first place contain the 85 rules of St. Apostles. The importance and significance of these rules in the ecumenical Church at all times was established by the Trullo Council (691 [C.E.]) in its Rule 2, declaring that “from now on, the 85 rules, adopted and approved by the holy and blessed fathers who had lived before us (the fathers of the Trullo Council), and also given over to us in the name of the holy and glorious Apostles, should remain firm and inviolable.” (Milaš 1895: 3–4)⁹⁴

Their priority was stressed by the Trullo Council in 691/692 C.E., which is not considered of ecumenical importance in the Western tradition (cf. Schaff/Wace 1916: 356). On the contrary, the Orthodox Church refers to them as to an ecumenical authority. However, the application of canon law in the modern Orthodox world is problematic. This fact puts forward a doubt regarding the actuality of pre-modern canons, at least part of them (see section 6.3). If they are applicable, why are they ignored by ROC bishops who are responsible for their enforcement?

93 “Ἐδοξεν γὰρ τῷ πνεύματι τῷ ἁγίῳ καὶ ἡμῖν μὴδὲν πλεόν ἐπιτίθεσθαι ὑμῖν βάρος πλὴν τούτων τῶν ἐπάναγκες, ἀπέχεσθαι εἰδωλοθύτων καὶ αἵματος καὶ πνικτῶν καὶ πορνείας.”

94 «У свима каноничким зборницима православне цркве на првome се мјесту налази 85 правила св. апостола. Важност и значај ових правила за сва времена у васељенској цркви утврдио је трулски сабор (691) својим 2. правилом, прогласивши “да од сада у напријед остану у крјепости и сталнима осамдесет пет правила, која су примљена и потврђена од светих и блажених отаца, који су прије нас (отаца трулскога сабора) били, а која су и нама предана именом светих и славних апостола”».

If they are outdated, can they be changed? The Trullo Council, emphasized by Milaš as crucial (Milaš 1895: 433),⁹⁵ has a special provision on that score.

The second rule of the Trullo Council stipulates that the Church canons, established prior to it (that is, *The Apostolic Canons*, the canons of the first five Ecumenical Synods, and canons of some local councils), cannot be “forged” (παράχαράσσω) or “undone” (ἀθετέω/ἀθετῶ). This provision correlates with and is embodied in the episcopal vow to keep the canons intact. Hence, in the legal sense, the said Church canons cannot be tampered with, nor can they be rescinded, nullified or abrogated. Nevertheless, the ROC leadership dares to replace some of them with her local traditions (see section 6.4.6). Besides, the modern practice of the ROC demonstrates that the pre-modern canons can be simply ignored.

2.7. The Principles of Application of Canon Law

The Orthodox Church knows two major legal ways to implement her canon law. The first one bears the name ἀκρίβεια (“exactness,” “precision”). In accordance with the name, this principle implies strict compliance with the letter of law when it concerns the doctrines of faith (Var’as 2000: 403).⁹⁶ Its counterpart is οἰκονομία (“housekeeping”),⁹⁷ implying certain leniency regarding the Church discipline

95 «Између свију правила православне цркве ово [Rule 2] је по значају своме једно од најважнијих правила, – а за науку каноничкога права оно је најважније од свију других, која су издана до 692. године. А то с тога, што је овим правилом потврђен канонички, васељенски значај стотинама правила, која су по происхођењу своме имала само значај и обвезну моћ за поједине обласне цркве, а сада све те стотине правила добивају васељенски и опћеобвезни за сву цркву значај» [“Of all the canons of the Orthodox Church, this one [Rule 2] according to its meaning is of utmost importance; and for canon law scholarship, it is the most crucial of all the rules issued before 692 [C.E.]. This is due to the fact that this rule had established the canonic, universal meaning of hundreds of rules that, as per their origin, were meaningful and binding only for some local churches, whereas from now on all these hundreds of rules received universal importance and binding force for the whole Church”].

96 «Акривия [...] способ решения вопросов с позиции строгой определённости, не терпящей отступления от основных начал христ.[ианского] учения; применяется в тех случаях, когда речь идёт об основополагающих догматических началах церковной жизни, о самой сущности и целях существования Церкви и христианства» [“Akribeia [...] is a way of solving problems from the point of strict certainty, tolerating no deviation from the main principles of the Christian doctrine; it is applied in cases pertaining to the seminal dogmatic principles of the Church life, to the very essence and purposes of existence of the Church and Christianity”].

97 For the history of οἰκονομία, see Richter 2005.

norms;⁹⁸ that is, contextual or one-off expediency (Troianos 2012: 500–501), if it does not threaten the Church doctrine and order of things (cf. Var’as 2000: 403;⁹⁹ Troianos 2012: 499). Orthodox canon law enforcement, therefore, represents a specific mix of *akribeia* and economy, and some argue that the Orthodox Church is the Church of economy *par excellence* (Pötz/Synek 2014: 281).

The principle of economy implies that the Church is aware of the fact that some of her canons are inapplicable in certain contexts. It further means that the corpus of her canon law is in part inevitably declarative and that the whole framework of law rather points to ideal models of internal and external Church life. This phenomenon does not appear excessively strange, however, if we consider Orthodox theology in which antinomies are deemed normal (for instance, that God is one and in three Persons at the same time). A good example of economy is the divorce issue (cf. section 6.4.2).

Another example pertains to three forms of acceptance of the non-Orthodox into the Orthodox Church. These include baptism, myrrh anointment, and repentance (oral renunciation of previous doctrines in public). The principle of *akribeia* requires that all those who started their Christian life in a non-Orthodox community, (that is, not those who had been initially baptized as Orthodox and left the Church, and then came back), must be accepted only through the sacrament of baptism. According to ancient ecclesiology, baptism can take place exclusively in the “catholic Church.” A baptism ritual in non-Orthodox communities, therefore, cannot count as the baptism.

In particular, this strict approach is associated with St. Cyprian of Carthago († 258 C.E.), an influential Latin Church Father mentioned in the canons of the Trullo Council, who argued:

[t]he Church is one, and there can be no baptism outside the Church. For when two baptisms are not possible, then if heretics baptized verily – they would themselves have the baptism. [...] However, we say that those coming thence are not re-baptized but baptized by us. Indeed, they do not accept anything there, where there is nothing; but

98 Cf.: “Οἰκονομίας ἔνεκα τῶν πολλῶν” (Pedalion 1886: 475; DGA 1963: 97) [“For the economy of the many”]. The phrase belongs to one of the most distinguished Orthodox Church Fathers, St. Basil the Great († 379 C.E.).

99 «Сочетание А.[кривии] и икономии по существу является соотношением законности (понимаемой как чёткое и неуклонное, букв.[альное] соблюдение нормативного предписания) и целесообразности (полезности, удобства)» [“A combination of *akribeia* and economy is, in essence, a correlation of lawfulness (understood as clear and strict, literal compliance with normative prescriptions) and expediency (usefulness, convenience)”].

they come to us in order to receive it here, where there is every grace and verity, because both grace and verity are one. (PL 4: 409)¹⁰⁰

According to St. Cyprian, only those coming back to the Church must not be baptized, since they had been previously baptized in the Church (PL 4: 410).¹⁰¹ In modern practice, however, the Russian Orthodox Church applies the mentioned three forms of acceptance of the non-Orthodox. These are based on some cases concerning different groups of ancient heretics that caused problems for the Church in the past (Tsypin 2012: 272). This is reflected in ROC canon law as follows:

The existence of various rites of reception (through baptism, through chrismation, through repentance) shows that the Orthodox Church relates to different non-Orthodox confessions in different ways. The criterion is the degree to which the faith and order of the Church, as well as the norms of the Christian spiritual life, are preserved in a particular confession. By establishing various rites of reception, however, the Orthodox Church does not assess the extent to which the grace-filled life has either been preserved intact or distorted in a non-Orthodox confession, considering this to be a mystery of God's providence and judgment. (Attitude 2000: 1.17)¹⁰²

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- 100 “[e]cclesia una est, et esse Baptisma extra Ecclesiam non potest. Nam, cum duo baptismata esse non possint, si haeretici vere baptizant, ipsi habent baptismata. [...] Nos autem dicimus eos qui inde veniunt non rebaptizari apud nos, sed baptizari. Neque enim accipiunt illic aliquid ubi nihil est; sed veniunt ad nos ut hic accipiant ubi et gratia et veritas omnis est, quia et gratia et veritas una est.”
- 101 “[a]pud veteres haereseos et schismatum prima adhuc fuerint initia, ut hi illic essent qui de Ecclesia recedebant, et hic baptizati prius fuerant; quod tunc tamen, ad Ecclesiam revertentes et poenitentiam agentes, necesse non erat baptizare. Quod nos quoque hodie observamus, ut quos constet hic baptizatos esse et a nobis ad haereticos transisse, si postmodum, peccato suo cognito et errore digesto, ad veritatem et matricem redeat, satis sit in poenitentiam manum imponere. [...] Si autem qui ab haereticis venit, baptizatus in Ecclesia prius non fuit, sed alienus in totum et profanus venit, baptizandus est [...] quia una est aqua in Ecclesia sancta [...]” “[w]hen ancient fathers at that time had only beginnings of heresies and schism, there also were those who receded from the Church, who had been previously baptized here. Then, however, they repented and returned into the Church, and so there was no need to baptize them. Therefore, we keep this practice today: if it is known that someone had been baptized here and later went away from us to heretics, and thereafter realized one's sin and digested the error, and came back to the verity and the mother – it suffices to lay hands upon him in repentance. [...] However, if someone, not previously baptized in the Church, comes from heretics – he comes as totally alien and profane, and must be baptized [...] because there is one water in the holy Church [...]”.
- 102 «Существование различных чиноприемов (через Крещение, через Миропомазание, через Покаяние) показывает, что Православная Церковь подходит к

We see that the ROC has nothing to say on the “degree of grace” in these communities. Hence, there is a paradox: on the one hand, the ROC professes that she is “the Church,” and that non-Orthodox communities cannot count as part of her. On the other hand, the ROC admits a certain amount of grace in the non-Orthodox communities and accepts many of them as baptized, thus clearly deviating from the ancients. She deduces this interpretation from some ancient cases considered by the Ecumenical Councils and other canons.

Curious, however, is the fact that the ancients had no idea of either Roman Catholicism or Protestantism. The Trullo Council in Rule 95 contains some details that could perhaps serve as precedents at first glance. For example, those baptized with only one immersion instead of three should be accepted as “pagans,” that is, through the proper baptism ritual (Concilium 2006: 282).¹⁰³ The Nestorians, on the contrary, are prescribed to join the Church through a simple renunciation of their doctrines and hierarchy (Concilium 2006: 284).¹⁰⁴ It is implied by default that the Nestorians used to perform the correct baptism ritual involving three immersions. Hence, the canons provide information regarding the accepting of some ancient non-Orthodox as a one-off economy. However, the ancient canons do not provide information on modern non-Orthodox Christians who were not known in Byzantium. Taking such canons as precedents for today is therefore problematic.

To show the connection, Russian canonist Vladislav Tsyypin refers to St. Basil the Great († 379 C.E.), who is also mentioned by the Trullo Council, whose

инославным конфессиям дифференцированно. Критерием является степень сохранности веры и строя Церкви и норм духовной христианской жизни. Но, устанавливая различные чиноприемы, Православная Церковь не выносит суда о мере сохранности или повреждённости благодатной жизни в инославии, считая это тайной Промысла и суда Божия» (Inoslavie 2008: 1.17).

103 “Εὐνομιανούς μέντοι, τοὺς εἰς μίαν κατάδυσιν βαπτιζομένους [...] ὡς Ἑλληνας δεχόμεθα” [“The Eunomians, however, who are baptized in one immersion [...] we accept as Hellenes [pagans]”].

104 “Νεστοριανούς δὲ καὶ εὐτυχιανιστὰς καὶ σεβηριανούς καὶ τοὺς ἐκ τῶν ὁμοίων αἱρέσεων χρή ποιεῖν λιβέλλους καὶ ἀναθεματίζειν τὴν αἵρεσιν αὐτῶν, καὶ Νεστόριον καὶ Εὐτυχέα καὶ Διόσκορον καὶ Σεβήρον καὶ τοὺς λοιποὺς ἐξάρχους τῶν τοιοῦτων αἱρέσεων, καὶ τοὺς φρονοῦντας τὰ αὐτῶν, καὶ πάσας τὰς προαναφερομένας αἱρέσεις, καὶ οὕτω μεταλαμβάνειν τῆς ἁγίας κοινωνίας” [“The Nestorians, and the Eutychians, and the Severians, and those of the homoiousian heresies shall do writings and anathematize their heresy, as well as Nestorius, Eutychius, Dioscorus, and Severus; and the rest of the exarches of such heresies, and the like-minded persons, and all the above heresies; and then, they shall accept the Holy Communion”].

Rule 1 in the Old Russian translation speaks of schismatics as “belonging” to the Church (Tsy-pin 2012: 739).¹⁰⁵ Tsy-pin concludes that St. Basil admitted “the thought that grace in the communities that broke away from the Church would gradually ooze away” (Tsy-pin 2012: 739).¹⁰⁶ This interpretation of St. Basil’s letter is notorious. The actual text, relied on by Tsy-pin, refers to certain “ancient Fathers” who used to accept the baptism of some schismatics. The Old Russian version reads *яко еще не чуждых Церкви*, whereas the Greek original is *ὡς ἐτι ἐκ τῆς Ἐκκλησίας ὄντων* (Pedalion 1886: 475; DGA 1963: 95), rather meaning “as being yet from the Church.” Milaš is also inclined to tackle the phrase as *умо они припадају цркви* (Milaš 1896: 345), despite the preposition *ἐκ*.¹⁰⁷ Nonetheless, St. Ilarion (Troitskii), a learned Russian bishop and martyr of the 20th century, opposed this interpretation, arguing that the akribeia of St. Basil matched the approach of St. Cyprian. Indeed, the original Greek text leaves no doubt regarding the ecclesiology on accepting the non-Orthodox:

Because the beginning of the separation had occurred via a schism, the apostates from the Church were no longer having grace of the Holy Ghost in themselves, for the imparting [of grace] ended when the continuity was broken. The first apostates had received ordination from the Fathers, and through laying their [Fathers’] hands, they [apostates] used to have the spiritual gift. However, by cutting off, they became laymen and would have no power to either baptize or ordain; nor were they capable of giving to others the grace of the Holy Ghost, which they had already lost. (Pedalion 1886: 475; DGA 1963: 96–97)¹⁰⁸

St. Basil and St. Cyprian differed to a certain extent on the “economy of the many,” while agreed on akribeia. St. Ilarion suggested his ecclesiological substantiation:

105 «Крещение раскольников, яко еще не чуждых Церкви, приимати».

106 «Мысль о постепенном иссякании благодати в обществах, отделившихся от Церкви».

107 Cf. Ilarion 2004: 521: «Во всяком случае, принадлежность к Церкви едва ли может быть выражена предлогом ἐκ» [“In any event, the belonging to the Church can hardly be expressed by the preposition ἐκ”].

108 “Διότι ἡ μὲν ἀρχὴ τοῦ χωρισμοῦ διὰ σχίσματος γέγονεν, οἱ δὲ τῆς Ἐκκλησίας ἀποστάντες οὐκ ἐτι ἔσχον τὴν χάριν τοῦ ἁγίου Πνεύματος ἐφ’ ἑαυτοὺς, ἐπέλιπε γὰρ ἡ μετάδοσις τῷ διακοπῇ τὴν ἀκολουθίαν. Οἱ μὲν γὰρ πρῶτοι ἀναχωρήσαντες, παρὰ τῶν Πατέρων ἔσχον τὰς χειροτονίας καὶ διὰ τῆς ἐπιθέσεως τῶν χειρῶν αὐτῶν εἶχον τὸ χάρισμα τὸ πνευματικόν. Οἱ δέ, ἀπορράγεντες, λαϊκοὶ γενόμενοι, οὔτε τοῦ βαπτίζειν, οὔτε τοῦ χειροτονεῖν εἶχον ἐξουσίαν, οὔτε ἠδύναντο χάριν Πνεύματος ἁγίου ἑτέροις παρέχειν, ἥς αὐτοὶ ἐκπεπτώκασιν.”

Only for the benefit of the Church, in order to ease the accepting into the Church, one may not repeat the baptism rite over newcomers if it was correctly performed outside the Church. Not because the rite had been a rite full of grace, but in the hope that the grace-filling gift will be received by the very fact of joining the body of the Church. If baptism outside the Church is performed wrongly even formally, as for example was the case with the Montanists, then there is no basis, no reason [...] in showing leniency towards them. (Ilarion 2004: 521)¹⁰⁹

St. Ilarion cogently stated that the position of St. Basil, confirming the ecclesiology of St. Cyprian and recognized by the Trullo Council, cannot be interpreted to imply either a graduate loss of grace outside the Church or schismatics' remaining part of the Church. It means that the approach of the ROC contradicts the ancient seminal Church Fathers whom the ROC quotes as a confirmation of her position.

Thus, in line with the principle of *akribeia*, all the non-Orthodox should be received into the Orthodox Church only through baptism. However, the principle of economy usually prevails, which may lead to misleading substantiations. In this case, what ecclesiology should be considered "authentic": that of the modern ROC or that of the quoted Church Fathers? In fact, as we know, canon law of the LOCs may not contradict the codified pan-Orthodox canons. However, this compliance turns out to be a lame attempt to reconcile the irreconcilable. Theoretically, for instance, the ROC could overcome this legal crux by accepting the economy of St. Ilarion.

2.8. The Legal Retroaction

The above approach to canon law raises the question whether the canons can be rescinded. On the one hand, the Trullo Council ruled that the canons, adopted previously, were to be considered as established forever. It could be surmised, in line with the Roman principle *lex posterior derogat legi priori*, that a certain canon can be replaced by a follow-up law provision, in which case the relevant legislator must have equal or higher legislative authority (Pötz/Synek 2014: 332). In other words, the provisions of the Ecumenical Councils can theoretically be

109 «Только ради пользы церковной, ради облегчения присоединения к Церкви можно не повторять над обращающимися обряда крещения, если он правильно совершён вне Церкви. Не потому, что этот обряд был уже благодатным таинством, а в надежде, что благодатный дар получен будет в самом единении с телом Церкви. Если крещение вне Церкви даже и по внешности совершено неправильно, как, например, у монтанистов, то нет никакого основания, смысла [...] делать им такое снисхождение».

replaced or rescinded by another Council of the same caliber. In Byzantium, Emperor Justinian († 565 C.E.) equated Church canons and secular law, which fact enabled East Roman emperors to modify or nullify the canons (Potz/Synek 2014: 332–333). Given that there is no Byzantium at present, another theoretical possibility would be a new Ecumenical Council. However, such Councils have not taken place since 787 C.E. The All-Orthodox Council of 2016 was hoped to become one if no contingencies stood on the way (Poslanie 2014: 29; Ilarion 2014: 30–31; Kirill 2015a: 28). However, the ROC and three other LOCs refused to participate in the Council and thus made its “All-Orthodox” status problematic (cf. Makrides 2017; Maslov/Serebrich/Ivanov/Rogatin 2017).

2.9. Subdivisions in ROC Canon Law

The Statute of the ROC rests upon the common Orthodox canon law hierarchy:

The Russian Orthodox Church, with due respect for and in compliance with applicable laws in every state, carries out her activities on the basis of: a) the Holy Scripture and the Holy Tradition; b) the canons and rules of the holy Apostles, the holy Ecumenical and Local Church Councils, and the Church Fathers; c) resolutions of her Local and Bishops’ Councils, her Holy Synod, and decrees of the Patriarch of Moscow and All Rus’; and d) the present Statute. (Ustav 2013)¹¹⁰

The introductory locution “carries out her activities” is not felicitous, even considering legal nature of the document. If the Church “carries out her activities” like any other entity on earth, she can as well trade alcohol, tobacco, *et cetera*, as it was the case in the 1990s. If the Church is different from any other earthly entity, if she is the Body of Christ – she cannot engage in such activities by default. The Statute refers to the Church as to a legal entity, leaving out the divine aspect (cf. Patsavos 2003: 4–5). For those criticizing the ROC’s leadership, this can be yet another proof of the “unorthodox” way of thinking. The English locution “is governed by,” being an accurate translation of the original Greek διοικέω/διοικῶ (cf. Syntagma 2003), seems to be most appropriate in the context. Nonetheless, paragraph *b* is noteworthy, for the ROC “carries out her activities” based on the standard modern hierarchy of canons. This hierarchy includes local Russian regulations and

110 «Русская Православная Церковь при уважении и соблюдении существующих в каждом государстве законов осуществляет свою деятельность на основе: а) Священного Писания и Священного Предания; б) канонов и правил святых апостолов, святых Вселенских и Поместных Соборов и святых отцов; в) постановлений своих Поместных и Архиерейских Соборов, Священного Синода и Указов Патриарха Московского и всея Руси; г) настоящего Устава».

the Statute that ought to be in agreement with the pan-Orthodox canons. It is easy to notice that the discussed paragraph is identical to Charters of other LOCs (cf. Charter 2003).¹¹¹

2.10. An “Official Position” as Modern Canon Law

The Moscow Patriarchate came up with a new form of canon law defined as “official position of the Russian Orthodox Church” on certain topical problems, usually passed by the incumbent Holy Synod. For instance, in December 2013, the Holy Synod adopted the *Position of the Moscow Patriarchate on the Issue of Precedence in the Ecumenical Church* (Позиция Московского Патриархата по вопросу о первенстве во Вселенской Церкви) (Pervenstvo 2013). In it, the ROC outlines three principle levels of ecclesiastical precedence, as well as presents this document as binding for relations with the non-Orthodox: “Representatives of the Russian Orthodox Church shall be guided by the document ‘Position of the Moscow Patriarchate on the Issue of Precedence in the Ecumenical Church’ in the Orthodox-Catholic dialogue” (Opredeleniia 2014).¹¹²

It is noteworthy that the Holy Synod, according to the Statute, is a provisional management body between Bishops’ Councils (Ustav 2013: V.1). To the Bishops’ Councils, the Statute ascribes supreme power in terms of canon law: “The Bishops’ Council has supreme authority in the Russian Orthodox Church in terms of doctrinal, canonic, liturgical, pastoral, administrative and other issues concerning both internal and external life of the Church [...]” (Ustav 2013: V.1).¹¹³ The weight of Synod’s official positions and the weight of resolutions of the Bishops’ and Local Church Councils are *a priori* different. Therefore, against this background, the authority of the Holy Synod as a management organ is interim, as

111 “The Archdiocese, being Hierarchical, as an Eparchy of the Ecumenical Throne, is governed by the Holy Scriptures, Sacred Tradition, the Holy Canons, this Charter, the Regulations promulgated pursuant hereto (‘Regulations’), and as to canonical and ecclesiastical matters not provided for herein, by the decisions of the Holy and Sacred Synod of the Ecumenical Patriarchate (‘Holy Synod’).”

112 «Представителям Русской Православной Церкви руководствоваться документом “Позиция Московского Патриархата по вопросу о первенстве во Вселенской Церкви” в православно-католическом диалоге».

113 «Архиерейскому Собору принадлежит высшая власть в Русской Православной Церкви в вероучительных, канонических, богослужебных, пастырских, административных и иных вопросах, касающихся как внутренней, так и внешней жизни Церкви [...]».

Bishops' Councils must *a posteriori* either confirm or reject its resolutions and decisions (Ustav 2013: III.5).

The public discourse has questioned the applicability of "official position," for instance:

Neither the texts of the Holy Scripture nor the canons of the ancient Church state that the Church must prescribe something to her members on some other issues [...]. We are obliged to agree only on dogmatic questions. [...] So what "official" can there be in Church life except for dogmas and canons? Topical comments of Church leaders on the current political agenda? Of course, from a spin-doctor's point of view, the Church leaders want very much to dialogue with rich sponsors: with the state and others. However, one must converse with them in their language and in currency, which is interesting to them. (Kuraev 2015)¹¹⁴

Kuraev connects "official position" of ROC leaders with their desire to benefit from cooperation with state authorities, sometimes at the expense of the Orthodox faith. Moreover, he sarcastically continues:

What is called "official position of the Church" cannot, honestly, be remembered without tears every twenty years of the history of the XX century. Yes, it was a very turbulent century, a century of many political and historical changes. Therefore, Roman Catholic cardinal Xin from the Philippines has said very wisely: "The Church does not enter into political marriages in order not to become a widow in the next generation." This is fair; however, how often just in the past century we precisely dropped that brick! (Kuraev 2015)¹¹⁵

114 «Ни в текстах Священного Писания, ни в канонах древней Церкви ничего не сказано, что по каким-то иным вопросам Церковь должна что-то предписывать своим членам [...]. Мы понуждены к согласию только в вопросах догматических. [...] Так что же может быть "официального" в жизни церкви, кроме догматов и канонов? Актуальные комментарии церковного начальства к текущей политической повестке дня? Естественно, с точки зрения политтехнологической, церковным руководителям очень хочется вступить в диалог с богатыми спонсорами: государством и прочими. Но с ними надо договариваться на их языке в той валюте, которая им интересна».

115 «То, что называется "официальной позицией Церкви", честно говоря, нельзя без слёз вспоминать через каждые 20 лет истории XX века. Да, это очень бурный век, век многих политических и исторических перемен. Поэтому очень верно сказал мудрый католический филиппинский кардинал Син: "Церковь не вступает в политические браки, чтобы в следующем поколении не оказаться вдовой". Это справедливо, но сколько же раз только за последние сто лет мы аккуратно наступили на эти грабли!».

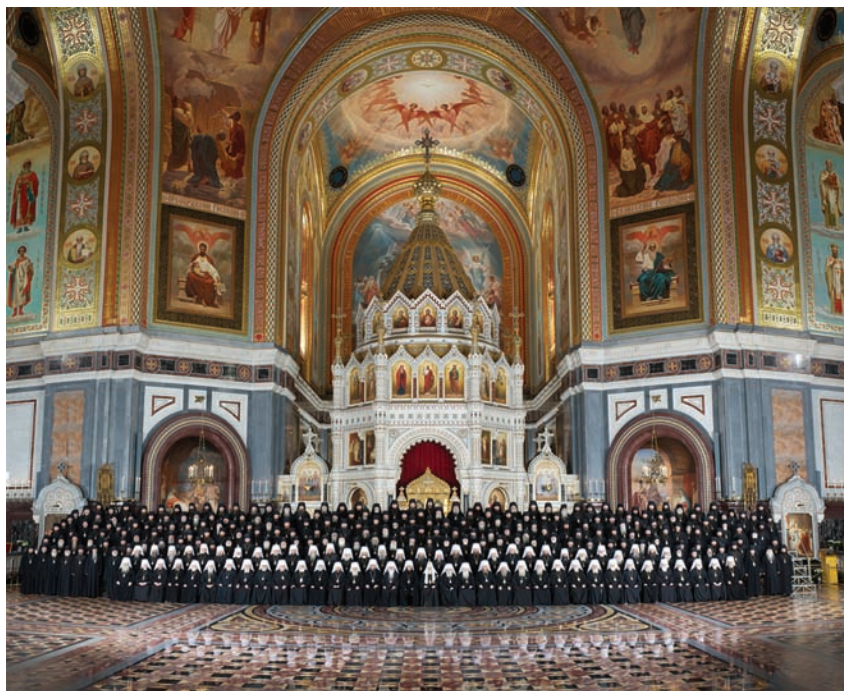
Indeed, “official position” raises questions and doubts, although it is quite in line with the spirit of the modern times. The ROC leadership under Kirill wants to have a “share” of public life in Russia and abroad and, as a result, attempts wherever possible to stress the public relevance of the Church concerning many developments in the country and the world. A good instance is the policy of Patriarch Kirill who made it customary to express his personal condolences on occasions of calamities or tragedies of notable politicians or political and social events worldwide (see Soboleznovaniia 2017). The question whether at least some of these people, being non-Orthodox and often non-Christian, need his condolence, or whether they might take it as an intrusion into their personal affairs, is not raised. In such cases, the ROC’s idea of “effective presence in the media” comes to the fore, according to which a constant presence in the mass media should result in better public awareness (see section 5.18). However, does “media awareness” really help Orthodoxy, and does it not cause annoyance instead? Considering the statistics on supporters of secular and post-secular developments (see section 3.9), annoyance is quite predictable.

3. External Aspects of the Orthodox Church

3.1. The ROC in the Post-Soviet Era

The notion “church,” “ecclesia,” is derived from the Greek verb ἐκκαλέω/ἐκκαλῶ (“convene,” “call upon”), implying a specific convention of “God’s own people” (1 Peter 2: 9). As such, it parallels the Hebrew קהל יהוה (cf. Numbers 16: 3). Therefore, the Church in the very name bears the key aspect of her self-awareness – assembly of all around the Eucharist. Given that members of the Church are too many to fit into one venue, the visible expression of the assembly for practical (and symbolic) reasons is reduced to bishops gathered together at Bishops’ Councils, an example of which is provided below.

Figure 1: Russian Orthodox bishops at the Bishops’ Council of 2013 (Poslanie 2013)



The history of the ROC between 1992 and 2015 is best imaginable along the lines of her Bishops' Councils, eleven in number: twice in 1992; 1994; 1997; 2000; 2004; 2008; twice in 2009; 2011; and in 2013. Four of the Councils took place under Patriarch Kirill.¹¹⁶ In this respect, the ROC evidences a high dynamics of external growth, which is even more impressive under Kirill: since his enthronement in 2009 and by March 2013, the ROC added 88 new dioceses to her assembly on the canonic territory, comprising 33 489 parishes, where the Eucharist is performed at least once a month (Kirill 2013a: 16–17). It means that new smaller eparchies are created by splitting up the existing huge dioceses. By 2015, the number of parishes constituted 35 496, and the ROC bishops totaled 330 persons, which is 130 bishops more compared to early 2009 (Kirill 2015d). The parish growth between 2013 and 2015 makes up 4940 parishes, whereas the number of ROC dioceses between 2009 and 2015 grew from 159 to 286 (Kirill 2015d). The Eucharistic approach to statistics is a new method of the ROC, suggested by Patriarch Kirill. To compare, in 1917, the ROC in the Russian Empire had the following figures:

In 1917, the number of believers in Russia was about 117 million, that is, more than two-thirds of the whole population. The Russian Orthodox Church had 67 dioceses with 80 800 temples and chapels, 1025 monasteries (with 94 629 monks and nuns), 35 000 primary schools, 185 diocese colleges, 57 seminaries, 4 divinity academies, and 34 497 libraries. The number of priests was more than 66 000, out of whom 130 were bishops. (Vasil'eva 2007)¹¹⁷

The photographs of the Bishops' Councils of 2004 and 2013 display a vivid contrast between what the ROC's assembly (Metropolitans are in white) had looked like before Kirill's patriarchy, and what it looked like four years after his enthronement: formally, the ROC presents herself as an actively and confidently developing entity in the modern world.

116 One more Bishops' Council took place in February 2016.

117 «В 1917 году численность православных верующих в России составляла около 117 млн человек, то есть более двух третей всего населения. Русская Православная Церковь имела 67 епархий, в которых действовало около 80 800 храмов и часовен, 1025 монастырей (с 94 629 монашествующими), 35 000 начальных школ, 185 епархиальных училищ, 57 семинарий, 4 духовные академии и 34 497 библиотек. Численность священнослужителей превышала 66 000 человек, из них 130 человек составляли епископат».

Figure 2: Russian Orthodox bishops at the Bishops' Council of 2004 (Press-Sluzhba 2004)



The focus on Communion is a sign of the ROC's return *ad fontes*, which is a trait of Orthodoxy in the 20th century.¹¹⁸ Besides, over the said period, 33 new metropolitanates were created. In the latter case, Patriarch Kirill partly patterns his strategy on ancient ecclesiastical practice and implements the resolution of the Local Council of 1917–1918 (Kirill 2013a: 17).

3.2. The Formal Unity

From the external point of view, the Orthodox Church exists in the world in the form of “equal” LOCs. I take the word “equal” in quotation marks because Orthodox ecclesiology knows only one Church. Respectively, every LOC is “the same Church” *in loco*. This is one of her formal differences from other Christian communities: “The Church is universal, but she exists in the world in the form of various Local Churches. This does not diminish the unity of the Church in any way” (Attitude 2000: 1.7).¹¹⁹ The formal unity of the LOCs is manifested in their mutual recognition, in shared liturgical acts of the Eucharist: “Church unity is bound up inseparably with the Sacrament of the Eucharist, in which the faithful, partaking of the one Body of Christ, are really and truly joined in the one and

118 The return is known as “neo-patristic synthesis,” propagated by Georgii Florovskii in the 1930s and continued today by Metropolitan Ilarion. For example, see Mikhailov 2008.

119 «Церковь имеет вселенский характер – она существует в мире в виде различных Поместных Церквей, но единство Церкви при этом нисколько не умаляется» (Inoslavie 2008: 1.7).

catholic Body [...]” (Attitude 2000: 1.8).¹²⁰ It implies that members of different LOCs, from Greece to Japan, from America to Australia may attend each other’s liturgy and take Communion. However, an Orthodox person may not partake (other than as a tourist) in liturgical acts of other Christian, yet non-Orthodox, churches (cf. Inoslavie 2008: 2.12).

Nevertheless, some Orthodox persons or priests pray or even take Communion together with the non-Orthodox, either intentionally or out of ignorance. This practice is known as “intercommunion,” and it violates ancient canons. For example, the incumbent Patriarch of Constantinople has prayed with the Pope of Rome on several occasions in public. The ROC underlines: “It is only through relationship with a particular community that each member of the Church realizes his communion with the whole Church. By breaking canonical relations with his local Church a Christian damages his grace-filled unity with the whole Church body, tearing himself away from it” (Attitude 2000: 1.10).¹²¹ This approach sets formal boundaries of the Church *in loco*, since a local parish is quite visible and “palpable”: it has a limited number of members grouped around their priest. Only members of local parishes of dioceses within the Moscow Patriarchate are considered members of the Russian Orthodox Church; and only through these parishes, they count as members of the universal Orthodox Church. Therefore, becoming a Church member requires a formal acceptance procedure in a concrete parish of the ROC (through one of the three forms of acceptance).

3.3. The Ecclesiology of the Church Models

Based on the approach outlined above, the notions “Church” and “Christianity” have to be separated, since modern “Christianity” appears to be a broader notion, which includes non-Orthodox Christians. The ROC cannot accept other models of the Church such as the Protestant model of “invisible Church,” which comprises all the Christians in the world irrespective of their ecclesiastical affiliation (Inoslavie 2008: 2.4). Vasili Bolotov, a profound Russian Orthodox historian and

120 «Единство церковное находится в неразрывной связи с Таинством Евхаристии, в котором верующие, причащаясь Единого Тела Христова, подлинно и действительно сочетаются во единое и кафолическое тело [...]» (Inoslavie 2008: 1.8).

121 «Только через связь с конкретной общиной осуществляется для каждого члена Церкви общение со всею Церковью. Нарушая канонические связи со своей Поместной Церковью, христианин тем самым повреждает своё благодатное единство со всем телом церковным, отрывается от него» (Inoslavie 2008: 1.10).

theologian († 1900), once wittily compared the “invisible Church” model to invisible military conscription:

The Protestants make much fuss about the invisible Church. However, the notion of ἐκκλησία has a strong point of *visibility*. Therefore, the expression “invisible Church” contains a *contradictio in adjecto*. There can be no invisible Church. One can partake in the invisible only spiritually, yet only bodily in ἐκκλησία. Practice of the people of Athens provides enough data in favor of this understanding of ἐκκλησία: those who did not show up in the convention were subject to fines. Participation in the invisible Church would be similar to invisible participation in military conscription. (Bolotov 1907: 13)¹²²

Bolotov emphasizes the fact that, for ancient Greeks, ἐκκλησία was an *ad hoc* convention of authorized citizens who would be dismissed after some time. On the contrary, Jesus Christ founded his ἐκκλησία on a permanent basis. Furthermore, the branch model, taking for granted the main existing denominations as organic “branches” of the same Church, is also unacceptable for the ROC (Inoslavie 2008: 2.5, 2.7). Against this background, the ROC argues that those disobeying the “apostolic hierarchy” (that is, bishops) disobey Christ and the Holy Ghost:

A departure from the lawful Hierarchy means a departure from the Holy Ghost, from Christ Himself. “All shall follow the bishop as Jesus Christ [follows] the Father, and the presbytery as [you would follow] the Apostles. Honor the deacons as a God’s instruction. Apart from the bishop, no one shall do anything related to the Church. Wherever the bishop is, the assembly shall also be there – just as wherever Jesus Christ is, the catholic Church is there too.” (St. Ignatius of Antioch. [Epistle to] Smyrn. 8). (Inoslavie 2008: 1.9)¹²³

The statement on disobedience is followed by words of St. Ignatius of Antioch, a distinguished bishop of the early first century C.E. It is not quite clear what the

122 «Протестанты носят съ невидимую церковь. Но въ понятии ἐκκλησία заключается сильный моментъ *видимости*. Поэтому въ выраженіи “невидимая церковь” заключается *contradictio in adjecto*. Никакой невидимой церкви быть не можетъ. Въ невидимомъ можно участвовать только духовно, въ ἐκκλησία не иначе какъ и тѣломъ. Въ практикѣ аѳинскаго народа имѣется достаточно данныхъ для такого пониманія слова ἐκκλησία: на непришедшаго въ собраніе налагался штрафъ. Участіе въ невидимой церкви походило бы на невидимое участіе въ воинской повинности». (Italics mine).

123 «Отступление от законного Священноначалія есть отступление от Духа Святого, от Самого Христа. “Все последуйте епископу, какъ Иисусъ Христосъ – Отцу, а пресвитерству – какъ апостоламъ. Діаконовъ же почитайте какъ заповѣдь Божию. Безъ епископа никто не делай ничего, относящагося къ Церкви. Гдѣ будетъ епископъ, тамъ долженъ быть и народъ, такъ же, какъ гдѣ Иисусъ Христосъ, тамъ и кафолическая Церковь” (св. Игнатій Антиохійскій. Смирн. 8)».

authors of the document imply by the disobedience clause, as it seems to span all aspects of the Church life. For instance, regarding inter-Christian cooperation, the document states that the scope of the ROC's involvement in activities with international Christian organizations is defined by the hierarchy, based on the "Church's benefit" (Inoslavie 2008: 5.4). That is, the focus is on the external, administrative aspect.

On the contrary, the words of St. Ignatius are filled with liturgical allusions to hierurgy and the Eucharist in connection with "heretic" challenges. After the words on the role of the bishop and the "catholic Church," St. Ignatius immediately speaks about baptism and agape: "Without the bishop, it is not allowed to either baptize or arrange agape" (Ignatius 1993a: 210).¹²⁴ The link between baptism and agape in the context implies that the latter is a synonym for the Eucharist, since new members of the ancient Church were accepted through the sacrament of baptism immediately followed by Communion (Malkov 2006: 52). That said, trying to prove the administrative role of bishops by quoting the liturgically charged text is a departure from common sense. In other words, the interpretation of the ROC is arbitrary.

Considering the difference between "Church" and "Christianity," the ROC pays special attention to the Orthodox mission of "witnessing" before non-Orthodox communities, stating that the Orthodox faith has a universal, ecumenical character (Inoslavie 2008: 3). She keeps her options open as long as cooperation with other Christians does not lead to doctrinal or ecclesiastical compromises. As a result, no documents adopted together with the non-Orthodox can be binding for the LOCs before they are confirmed by the "Church Plethora" (*Православная Полнота*) (Inoslavie 2008: 4.3). Given that it can occur only at Pan-Orthodox Councils, their reception and implementation is problematic.

Besides, it is important that formulas adopted in cooperation with the non-Orthodox should reflect internal "experience of faith," and not only formal verbal unity, since words can be interpreted differently. On the other hand, the "catholic truth" can be in principle expressed in different forms (cf. Inoslavie 2008: 4.6; 4.7). It means, for example, that the ROC is ready to accept the established Roman and/or another Western rite (e.g., Gallican) along with the Byzantine rite (see Mayer 2014), if the Roman Catholic Church gave up and/or reinterpreted some of her doctrines, and shared the Orthodox teaching. In this regard, the Pope of Rome could become the "Patriarch of the Latin West," and the Vatican

124 "Οὐκ ἔξόν ἐστιν χωρὶς τοῦ ἐπισκόπου οὔτε βαπτίζειν οὔτε ἀγάπην ποιεῖν."

would be considered the Western Orthodox center of the world on a par with the Eastern Orthodox centers.

Apart from the rite, the parties could also come to terms regarding the celebration of Easter and Christmas (cf. Ilarion 2017a). Concerning Easter, the RCC in this case would return *ad fontes*, given that the Alexandrian computus is backed by the I Ecumenical Council (Ohme 2012: 35) and is crucial for the Orthodox; and the ROC would adjust her Christmas celebration in line with the “New style,” which is already practiced by most of the LOCs, and which was sanctioned by the Moscow Meeting of 1948 (see section 4.3.2).¹²⁵ It would become a post-religious move towards Christian unity, being both canonically flawless and technically feasible. Besides, it would make the current Patriarch one of the most prominent Russian Orthodox leaders in history, not to mention the evident convenience for millions of people.

3.4. “Catholic” and “Universal”

In her canon law, the ROC identifies herself and her place in the modern Christian world. Katja Richters is not quite right in her analysis of the ROC’s *Concept*, when, giving way to metonymies, she states:

The Moscow Patriarchate characterizes itself as an institution by whose teachings everybody should abide as they ensure that society acts morally and consequently receives salvation and life after death. The ROC presents itself as both infallible and uncontaminated by evil and thus aspires to the function of a moral role model. It frequently criticizes the public’s secularity and refers to it as living in an “earthly reality corrupted by sin.” (Richters 2013: 20)

Specifically, Richters refers to paragraphs 1.1; 1.3; 3.1; 3.3; 3.5, and 4.9 of the *Concept* (Richters 2013: 173). However, Richters confuses the general introductory

125 «Совещание полагает обязательным для всего Православного мира совершать праздник Святой Пасхи только по старому (Юлианскому) стилю, согласно Александрийской Пасхалии. До того времени, когда будет выработан и утвержден самый усовершенствованный календарь, Совещание считает, что для неподвижных праздников каждая автокефальная Церковь может пользоваться существующим в этой Церкви календарем» [“The Meeting deems it mandatory for the whole Orthodox world to celebrate the holiday of Holy Easter only in accordance with the old (Julian) style, as per the Alexandrian Computus. Until the most advanced calendar is developed and adopted, the Meeting believes that each autocephalous Church may use her existing calendar for the fixed feasts” (Kalendar’ 1948)].

statements of the *Concept*, pertaining to the Orthodox Church as such, and the ROC being just a “jurisdiction.” Saying that the ROC presents herself as “infallible,” the author overlooks the opposite “sinful” statement, which is a habitual Orthodox antinomy, for instance:

The Church, being the body of God-Man Christ, is divine-human. However, even if Christ is the perfect God-Man, the Church is *not yet* perfect in her divine humanity, for on earth she has to struggle with sin, and her humanity, though inherently united with the Godhead, is far from expressing Him and matching Him in everything. (Bases 2000: I.2)¹²⁶

Albeit this text pertains to the Orthodox Church in general, one can admit that some LOCs might teach wrong, without diminishing the catholic message of Orthodoxy. Thus, the notion “catholicity” (*кафоличность*) turns up, which is important for understanding the ROC’s self-identification. In this connection, the document on the non-Orthodox tries to come to terms with the notion “catholic.” The Church draws a distinction line between *вселенскость* (“ecumenicity”), *универсализм* (“universalism”), and *соборность*, taking the two former notions as synonyms (Inoslavie 2008: addendum).¹²⁷ “Catholicity” is explained as follows:

The Church overall is called “ecumenical,” and this explanation cannot be applied to her parts; however, every part of the Church, even the smallest one, even a single believer can be called catholic (*sobornyi*). Ecumenicity and omnipresence of the Church are derived from her catholicity. (Inoslavie 2008: addendum)¹²⁸

This explanation, especially when compared to the quoted formula of St. Ignatius, is a misunderstanding of the ancient idea of the Church. St. Ignatius states a direct dependence between the Church, as a convention, and the bishop who liturgically symbolizes Jesus Christ. Since Christ, in theology, is the Head of the Church, and the Church is the Body of Christ (cf. Eph 1: 22–23), the liturgical convention

126 «Церковь, являясь телом Богочеловека Христа, богочеловечна. Но если Христос есть совершенный Богочеловек, то Церковь *ещё не* есть совершенное богочеловечество, ибо на земле она воинствует с грехом, и её человечество, хотя внутренне и соединено с Божеством, далеко не во всём Его выражает и Ему соответствует» (Concept 2008: I.2). (Italics mine).

127 «Православная Церковь отличает “христианскую всеобщность”, универсализм, вселенскость, от соборности (кафоличности)» [“The Orthodox Church distinguishes ‘Christian generality’, universalism, ecumenicity from *sobornost’* (catholicity)”].

128 «Церковь в целом именуется “вселенской”, и это определение неприменимо к её частям; но каждая часть Церкви, даже самая малая, даже только один верующий, может быть названа кафоличной (соборной). Вселенскость и повсеместность Церкви является следствием её кафоличности».

and the bishop are as inseparable from each other as the Church is inseparable from Christ. According to St. Ignatius, only this unity between the convention and the bishop can be called the “catholic Church” (see section 6.1.4). Neither the bishop without the convention nor the convention without the bishop makes up the Church in his ecclesiology. This conclusion also pertains to parish priests (who are not bishops). In fact, parish priests are representatives of their bishop *in loco*, whereas the bishop oversees a range of parishes in his diocese. The formal sign of the fact that a priest “belongs” to his bishop and is entitled to conduct the Eucharist is the antimension or antimins (ἀντιμῆνσιον), translated as “instead of the table.” It is a piece of cloth put on the altar, once signed off on by the bishop. A priest without the antimension may not serve. Therefore, a parish, let alone a single believer, cannot count as the “catholic Church” without the connection to the bishop. In modern actualities, the minimal ecclesiastical unit that can be called the “catholic Church” *in loco* is a diocese. In other words, the statement that “even a single believer can be called ‘catholic [Church]’” contradicts the ancient concept of the Church, revealing theological disorder in the ROC.

Problematic is also the ROC’s official interpretation of ecumenicity as the “external, material side of catholicity.” According to the ROC, the Church remains ecumenical always and everywhere, in any LOC and even in a single temple, although ecumenicity pertains to all and is not applicable to parts (Inoslavie 2008: addendum). The document contradicts itself in two neighboring sentences, confusing the notions of catholicity and ecumenicity, which fact once again emphasizes the conclusion of the previous paragraph. Moreover, it refers to a statement of the Holy Synod of the Ecumenical Patriarchate, dated 1903, in which Istanbul claims that the Eastern Church “is at present the Universal Church” (εἶναι κατὰ τὸ παρὸν ἡ Οἰκουμενικὴ Ἐκκλησία).¹²⁹ If “universal” or “ecumenical” imply the omnipresence of the Orthodox Church, then the choice of adjectives is questionable, for the Church still has no footprint in some parts of the globe.

Nevertheless, the statement receives a reasonable explanation if under “ecumenicity” it implies “catholicity.” In this case, geography has no real importance, whereas the inner quality of Orthodoxy (i.e., catholicity) comes to the fore. In this light, the appeal of the Istanbul document to the non-Orthodox to accept Orthodoxy, because it is “the Church,” receives the needed filling. Besides, the ROC’s document tends to interpret “catholicity” as “unanimous conciliarity,” since

129 The Russian text has *вселенская* (cf. Ilarion 2016: 113). Thus, there are three different adjectives in three versions. See § 4.1 in Inoslavie 2008; Attitude 2000; and Arches 2000b.

it speaks about “catholic unanimity” as opposed to different views and schisms (Inoslavie 2008: 1.12). This approach understands “catholicity” through the lens of the Church Slavonic language, namely through the famous notion *sobornost’*, derived from the verb “to gather.” It thus can be rendered rather as “togetherness” with further transition to “conciliarity.” Although this understanding is not an ancient one, it is possible to consider it as a philosophical interpretation. The “catholic unanimity” of the document points therefore to the conciliar nature of the Orthodox Church rather than to her “catholicity” as discussed above. Whence arises the thought that the “tragedy of divisions became a serious *visible* distortion of Christian universalism” (Inoslavie 2008: 1.20).¹³⁰ Interestingly, the official English version of the document reads “distortion of Christian universality” (Attitude 2000), whereas the Modern Greek version reads διαφθορά της χριστιανικής καθολικότητας (Arches 2000b). The latter has a stronger connotation in terms of “distortion” (“destruction” in Ancient Greek, and “corruption” in Modern Greek), and preserves a direct link to “catholicity” via the paronymous word καθολικότητα.

If “universality” means something applicable to all humans regardless of their origin, how can a schism distort this intrinsic quality of the Church? Even if some communities reject the Orthodox doctrine, they do not make it less all-human. If it implies a geographical area, then the text of the document makes some sense, as schisms can cut off parts of territory. However, is it what the authors of the document imply? In fact, they contrast Christians and the Church: the Church always remains the same, and she is the Orthodox Church. Christians are nevertheless divided, and this is a distortion of Christian universality in the eyes of the Moscow Patriarchate.

Hence, the ROC’s document on the non-Orthodox refers to three main aspects of her ecclesiology that I attempted to deconstruct and redefine. In particular, “catholicity” implies an Orthodox diocese headed by a bishop, which is the “whole Church” *in loco*; and “universality” is Church’s message applicable to all humans and regions. Finally, “unity” means that Orthodoxy is “the same” in all the LOCs. Along with that, “unity” is derived from and directly connected to “catholicity.”

3.5. The Theopolitics of the ROC

Another feature of external Church unity is her geographical footprint. From the formal point of view, the ROC can be conditionally seen, *mutatis mutandis*, as a transnational and/or multinational corporation aiming at expanding the

130 «Трагедия разделений стала серьёзным *видимым* искажением христианского универсализма». (Italics mine).

“market share” of specific “religious services.” Moreover, the ROC strives to become all-permeating and relevant. Patriarch Kirill, for instance, underlines that his perception of himself as Patriarch transcends the Russian Federation: “I am the Patriarch of the whole Rus’. I am not the Patriarch of the Russian Federation, or Ukraine, or Moldova [...] and for me, there is no distinction – be it a Russian citizen, a Moldovan citizen, or someone else. The Russian Church is present in 62 countries” (Kirill 2013c).¹³¹

All the LOCs are equal and “identical,” and neighboring LOCs normally should represent no competition for each other, because they are “the same” Church located in other areas. In this respect, the ROC uses a new ecclesiastical notion “canonic territory.” It has been pointed out that “its meaning is not self-evident, and no detailed explanation of it is given in any official document of the church” (Wasmuth 2014: 21). Metropolitan Ilarion illustrates this principle as follows: “Each Local Orthodox Church has her own canonic territory, whose integrity is in principle recognized by the other LOCs. On this canonic territory, the other LOCs are not entitled to establish their parishes” (Ilarion 2005).¹³²

The Statute of the ROC includes a list of countries, which imply potential tensions and/or conflicts. Besides, the ROC made a significant change in her recent history by signing the *Act of Canonical Communion* (Акт о каноническом общении) with the ROCA, in May 2007. The *Act* reunited the two Russian Churches, the ROC and the ROCA, under the umbrella of the Moscow Patriarchate (Akt 2007), making Russian Orthodoxy both figuratively “convened” and literally transatlantic. At the Bishops’ Council of 2013, this list was considerably enlarged. The applicable redaction of the Statute provides the following transnational roster:

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- 131 «Я – патриарх всея Руси. Я не патриарх Российской Федерации, не патриарх Украины, Молдовы [...] и для меня нет различия – российский гражданин, молдавский гражданин или какой-то ещё. Русская церковь находится в 62 странах».
- 132 «Каждая Поместная Православная Церковь имеет свою каноническую территорию, целостность которой в принципе признается другими Церквями. На этой канонической территории другие Церкви не имеют права основывать свои приходы».

The Statute Redaction of 2011

The jurisdiction of the Russian Orthodox Church includes persons of the Orthodox faith residing on the canonic territory of the Russian Orthodox Church: in Russia, Ukraine, Belarus, Moldova, Azerbaijan, Kazakhstan, Kirgizia, Latvia, Lithuania, Tajikistan, Turkmenia, Uzbekistan, Estonia, as well as her volunteered Orthodox members who reside in other countries. (Izmeneniia 2013:41)¹³³

The Statute Redaction of 2013/2016

The jurisdiction of the Russian Orthodox Church includes persons of the Orthodox faith residing on the canonic territory of the Russian Orthodox Church: in the Russian Federation, [*in the*] *Ukraine*, [*in*] Republic of Belarus, Republic of Moldova, Republic of Azerbaijan, Republic of Kazakhstan, the People's Republic of China, Republic of Kyrgyzstan, Republic of Latvia, Republic of Lithuania, Republic of Tajikistan, *Turkmenistan*, Republic of Uzbekistan, Republic of Estonia, *Japan*, as well as her volunteered Orthodox members who reside in other countries. (Izmeneniia 2013: 41; Ustav 2016)¹³⁴

It is noteworthy that the language of the new Statute version is more formal and sometimes difficult (for instance, *Кыргызстан* instead of *Киргизия*, the latter being a habitual Russian term). Interestingly, three countries on the new list are left unaltered despite the formal republican status of two of them (Ukraine and Turkmenistan), and the monarchical status of Japan. This fact reflects the overall decline in the Russian language competence, on the one hand, multiplied by the

133 «Юрисдикция Русской Православной Церкви простирается на лиц православного исповедания, проживающих на канонической территории Русской Православной Церкви: в России, Украине, Белоруссии, Молдавии, Азербайджане, Казахстане, Киргизии, Латвии, Литве, Таджикистане, Туркмении, Узбекистане, Эстонии, а также на добровольно входящих в неё православных, проживающих в других странах».

134 «Юрисдикция Русской Православной Церкви простирается на лиц православного исповедания, проживающих на канонической территории Русской Православной Церкви: в Российской Федерации, [*на*] *Украине*, [*в*] Республике Беларусь, Республике Молдова, Азербайджанской Республике, Республике Казахстан, Китайской Народной Республике, Кыргызской Республике, Латвийской Республике, Литовской Республике, Республике Таджикистан, *Туркменистане*, Республике Узбекистан, Эстонской Республике, *Японии*, а также на добровольно входящих в неё православных, проживающих в других странах». (Italics mine). The minor interpolations in square brackets are formal updates made in 2016, such as *на Украине* (cf. "the Ukraine" in American English), in line with the linguistic standards in the Russian Federation. In Ukraine, it has become standard to write and speak *в Украине*. This revision did not change the list and the status of the mentioned countries.

desire of the ROC leaders to look “serious” and “modern,” on the other hand. The result is, on the contrary, lamentable.

The Statute now includes both Europe and Asia, with China and Japan. Considering the complex situation with Christianity in China, the Bishops’ Council of 2013 pointed out the Chinese case as follows: “The Council welcomes the development of the process of normalization of the situation with the Chinese Autonomous Orthodox Church” (Postanovleniia 2013: 15).¹³⁵ This relative rapprochement reflects a new quality of Sino-Russian relations, additionally exemplified by the first official visit of the Moscow Patriarch to Beijing in May 2013 (see section 7.3.1).

3.6. State Forms in the ROC’s Doctrine

The ROC recognizes a certain hierarchy of power forms, mentioning democracy and monarchy. However, the ROC especially appreciates theocracy. Her examples are taken from the biblical narrative, metonymically carried onto the modern order of things:

Under the Judges’ rule [...] power acted not through coercion, but authority, which was sanctioned by God. [...] Under monarchy, power remains God-given, but for its exercise it uses not so much spiritual authority as coercion. The shift from the judges’ rule to monarchy indicated the weakening faith – the fact that caused the need to replace the King Invisible by the king visible. Contemporary democracies [...] do not seek the divine sanction of power. They represent the form of government in secular society that presupposes the right of every able-bodied citizen to express his will through elections. (Bases 2000: III.7)¹³⁶

135 «Собор приветствует развитие процесса нормализации положения Китайской Автономной Православной Церкви».

136 «При судействе [...] власть действовала не через принуждение, а силой авторитета, причём авторитет этот сообщался Божественной санкцией. [...] При монархии власть остаётся богоданной, но для своей реализации использует уже не столько духовный авторитет, сколько принуждение. Переход от судейства к монархии свидетельствовал об ослаблении веры, отчего и возникла потребность заменить Царя Незримого царём видимым. Современные демократии [...] не ищут божественной санкции власти. Они представляют из себя форму власти в секулярном обществе, предполагающую право каждого дееспособного гражданина на волеизъявление посредством выборов» (Concept 2008: III.7).

The typology of the state forms goes down to Aristotle's classification, who opposes two groups of triple power forms: the "good" ones such as monarchy (power belongs to one person), aristocracy (power belongs to a group of persons), and *politeia* (power belongs to all free citizens); and their "bad" counterparts such as tyranny, oligarchy, and democracy (Aristot. Pol. 3. 1279b).¹³⁷ Today, this classical division is somewhat adjusted to two forms – monarchy and republic, the Latin variant of the Greek δημοκρατία. In line with Aristotle, democracy is recognized as "worse" than monarchy; and theocracy is "better" than democracy and monarchy, respectively. In this trinitarian constellation, monarchy appears to be a relatively "neutral," or transient, form between democracy and theocracy.

The ROC finds her ideal of theocracy in the Old Testament. In the modern circumstances, however, ROC scholars admit that theocracy can function only in states ruled by the clergy (Tsypin 2012: 767), such as the Vatican. In the recent past, for instance, Cyprus used to be ruled by an Orthodox archbishop, although this fact is to be looked at as an exception. However, Iran seems to be the closest working model of theocracy in present-day politics. Given that in the Russian Federation there is neither theocracy of the Iranian type nor monarchy in any form thereof, the ROC stresses, at this point contradicting the passage quoted above, that she "does not give preference to any social system or any of the existing political doctrines" (Bases 2000: III.7).¹³⁸ We have seen, however, that the public discourse does not hesitate to violate this corporate provision (see section 1.14.6).

3.7. Types of Church-State Relations

Church-state relations take place within two basic models or poles: coexistence and independent actors (= "complete separation"), and "complete unity" in the form of subjugation of one by the other, when either religion controls the state or the state controls religion; both models being rather ideal (Ahddar/Leigh 2013: 88). The latter aspects are also known as caesaropapism and papocaesarism (or theocracy), respectively. Between the two extremes, there "lie various intermediate or hybrid models where religion and state cooperate together" (Ahddar/Leigh

137 "Παρεκβάσεις δὲ τῶν εἰρημένων τυραννὶς μὲν βασιλείας, ὀλιγαρχία δὲ ἀριστοκρατίας, δημοκρατία δὲ πολιτείας" ["A deviation from the mentioned [forms] is: tyranny of royal power, oligarchy of aristocracy, and democracy of *politeia*"].

138 «Позиция о непредпочтительности для Церкви какого-либо государственного строя, какой-либо из существующих политических доктрин» (Concept 2008: III.7).

2013: 89).¹³⁹ The ROC in her canon law argues that there is an optimal model of cooperation between Church and state, and it is known as *συμφωνία*, or consonance, of powers. The ROC's idea of modern symphony is interpreted as collaboration and mutual support of the independent entities, *regnum* and *sacerdotium*, which do not intrude into specific spheres of each other (Concept 2008: III.4). In particular, the *Concept* describes non-intrusion in the following terms:

The Church should not assume the prerogatives of the state, such as resistance to sin by force, use of temporal authoritative powers and assumption of the governmental functions, which presuppose coercion or restriction. [...] The state should not interfere in the life of the Church or her government, doctrine, liturgical life, counselling, etc., or the work of canonical church institutions in general, except for those aspects where the Church is supposed to operate as a legal identity [sic] obliged to enter into certain relations with the state [...]. (Bases 2000: III.3)¹⁴⁰

The concept of non-intrusion rests upon the idea of division of powers, the sacred one of the Orthodox Church and the profane one of the state. Unlike the medieval Western two swords theory, ascribing both powers to the Roman bishop (Poldnikov 2006: 271),¹⁴¹ in the Russian Orthodox doctrine, they are deemed independent in terms of origin: "The bishop obeys the government as a subject,

139 Cf.: "According to a widely accepted typology, relations between state and religion can be broadly divided into three categories: first, systems with an established (i.e. a state or a privileged) religion; second, systems of strict separation between state and religion and, third, mixed systems" (Hanf 2011: 5).

140 «Церковь не должна брать на себя функции, принадлежащие государству: противостояние греху путём насилия, использование мирских властных полномочий, принятие на себя функций государственной власти, предполагающих принуждение или ограничение. [...] Государство не должно вмешиваться в жизнь Церкви, в её управление, вероучение, литургическую жизнь, духовническую практику и так далее, равно как и вообще в деятельность канонических церковных учреждений, за исключением тех сторон, которые предполагают деятельность в качестве юридического лица, неизбежно вступающего в соответствующие отношения с государством [...]» (Concept 2008: III.3). (Italics mine).

141 «Во власти католич.[еской] Церкви есть "два меча" – "духовный" и "светский". Оба "меча" принадлежат Церкви: "духовный меч" она держит рукой духовенства, а "светский" для неё и под её контролем держит рука светского властителя. Эти "мечи" не равнозначны – светская власть подчинена духовной [...]» ["In the power of the Catholic Church there are 'two swords' – 'spiritual' and 'secular'. Both 'swords' belong to the Church: she holds 'the spiritual sword' by the hand of the clergy, whereas the hand of the secular ruler holds for her and under her control 'the secular one.' These 'swords' are not equal: secular power is subordinated to spiritual power [...]"].

not [because] his episcopal power comes from a government official. Similarly, a government official obeys his bishop as a member of the Church, who seeks salvation in it, not because his power comes from the power of the bishop” (Bases 2000: III.4).¹⁴²

The concept of symphony is best worded in the Sixth Novella of Emperor Justinian who is canonized by the Orthodox Church. Quoting it, neither the ROC’s document nor Vladislav Tsy-pin, one of the authors of the canonic part¹⁴³ of the *Concept*, make any comment whatsoever, in which connection the text must be approached critically.¹⁴⁴ The relevant paragraph reads:

The greatest gifts of God amongst humans, granted by supreme clemency, are priesthood and kingdom: the former manages divine affairs, whereas the latter directs and takes care of human affairs. Proceeding from one and the same source, they provide for/adorn human life. Therefore, there shall be nothing as desirable for emperors as the honor of priests, whereas they assuredly continuously humbly pray to God for the former. For if priesthood is comprehensively inculpable and completely pleasing to God, and kingdom correctly and competently rules the inherited state, there will be a certain good consonance, providing the human race with all possible benefits. (Novellae 1959: 35–36)¹⁴⁵

142 «Епископ подчиняется государственной власти как подданный, а не потому, что епископская власть его исходит от представителя государственной власти. Точно так же и представитель государственной власти повинует епископу как член Церкви, ищущий в ней спасения, а не потому, что власть его происходит от власти епископа» (Concept 2008: III.4).

143 This conclusion is based on identical texts in Concept 2008 and Tsy-pin 2012. Cf., for example, Concept 2008: III.4 and Tsy-pin 2012: 771–791. I write “one of the authors” because it is not clear if Tsy-pin was the only author or a co-author.

144 Cf. the situation in Russian-language research: «[ц]ерковное законодательство византийских императоров, и прежде всего Юстиниана, до сих пор остается недоступным для русского читателя» (Maksimovich 2007: 29) “[t]he Church-related legislation of Byzantine Emperors, and first of all that of Justinian, is to date inaccessible to Russian readers”. In particular, the Sixth Novella was first translated into Russian in 2007 (Maksimovich 2007: 30).

145 “Maxima quidem in hominibus sunt dona dei a superna collata clementia sacerdotium et imperium, illud quidem divinis ministrans, hoc autem humanis praesidens ac diligentiam exhibens; ex uno eodemque principio utraque procedentia humanam exornant vitam. Ideoque nihil sic erit studiosum imperatoribus, sicut sacerdotum honestas, cum utique et pro illis ipsis semper deo supplicent. Nam si hoc quidem inculpabile sit undique et apud deum fiducia plenum, imperium autem recte et competenter exornet traditam sibi rem publicam, erit consonantia quaedam bona, omne quicquid utile est humano conferens generi.”

The ROC promotes the idea of consonance as a modern pattern. However, despite the “win-win” appearance of the quoted norm, it is evident that Roman law here cares more of its own mundane benefit,¹⁴⁶ further stating: “We believe that, through it, the greatest gifts will be given to us from God; that we shall firmly keep the ones available to us, and that we shall acquire the ones that have not yet come” (Novellae 1959: 35–36).¹⁴⁷ Albeit for East Roman emperors Christianity was the “true” religion, the state still followed the tried path of serving its own good, *sui generis* exploiting Christianity, in general (cf. Troianos 2017: 4–5), and Christian Orthodoxy, in particular (cf. Karamboula 2015: 198–214). Strange as it may sound, this state position echoes in the *Concept* when it underlines that the “earthly well-being is unthinkable without respect for certain moral norms – the norms which are also essential for the eternal salvation of man” (Bases 2000: III.3).¹⁴⁸ This echo reflects the long and intermingled church-state relationship both in Russia and in Byzantium.

History knows other models of church-state relations. In fact, the ROC admits that symphony hardly ever existed in practice.¹⁴⁹ For example, in Byzantium, it was at times twisted due to caesaropapist claims of some emperors. Indeed, caesaropapism seems to be a more realistic model of these relations, and this attitude was overtly expressed in Russian imperial history, when Petr I made members of the

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- 146 Cf.: „Indem der Kaiser das Priestertum respektiert, bewahrt er durch die Übereinstimmung von Priestertum und Herrschertum das Wesen des Staates vor Erschütterungen“ (Karamboula 2002: 500). Cf. the situation in the Russian Federation: Vladimir Putin visited a new church in Moscow in May 2017 and made the following statement before the ROC leadership: «Наша общая обязанность – делать все от нас зависящее для сохранения единства российской нации [...] не допускать никакого ожесточения и никакого раскола» [“Our common obligation is to do our best to preserve the unity of the Russian nation [...] and to not allow any embitteredness and any schism” (Putin 2017)]. The ROC here is an instrument of political stability.
- 147 “Credimus quia per eam maxima nobis dona dabuntur a deo, et ea, quae sunt, firma habebimus, et quae nondum hactenus venerunt, adquiremus.” In order to understand Justinian’s motivation behind these words, one must consider the following circumstance. The Sixth Novella was issued in spring 535 C.E., shortly after the triumphal victory of 534 C.E. over the Vandals in North Africa and the restoration of Roman rule in this region, on the one hand; and on the eve of the follow-up campaign to regain control over Italy and Old Rome, launched later in 535 C.E., on the other hand.
- 148 «Земное благоденствие немислимо без соблюдения определённых нравственных норм – тех самых, которые необходимы и для вечного спасения человека» (Concept 2008: III.3).
- 149 Cf. the counterview: „Von der Symphonie in Rußland kann man im 16. und 17. Jahrhundert sprechen“ (Kostjuk 2004: 69).

Most Holy Synod acknowledge that the benefit of the state was actually the utmost goal of their service (cf. Reglament 1830: 316). The ROC is inclined to see the roots of such approach in the ancient tradition of Rome, when Roman emperors used to be called either *pontifex maximus* (Concept 2008: III.4), or *pontifex inclitus*, the last documented case being 516 C.E. (Cameron 2007: 356; Karamboulas 2015: 108–109). This heritage echoed in Russian imperial law, when, from Pavel I onwards, Russian tsars were accorded the title “Head of the Church” (*Глава Церкви*).

According to the Constitution of the Russian Federation (Article 14), Russia is a secular state. At the same time, the *Federal Law “On the Freedom of Conscience and Religious Organizations”* (Федеральный закон «О свободе совести и о религиозных объединениях») makes a minor exception for Orthodoxy,¹⁵⁰ recognizing the “special role of Orthodoxy in Russian history, in formation and development of its spirituality and culture” (Zakon 2011a).¹⁵¹ It is a rather declarative statement, hardly capable of turning the recognition of past merits into a working legal privilege. Russian secular law, therefore, stands somewhat closer to the model of symphony than it is usually thought of, although the distance between the current legal status of the Church and the ideal, expressed in the Novel of Justinian and stressed in the *Concept*, remains sizable. Considering the recognition of the role of the ROC in Russian history and culture, and the fact that 80% of Russian citizens identify themselves as Orthodox (Stoeckl 2014a: 127), the principle of non-interference is interpreted by the Moscow Patriarchate as a reinvented model of symphony.

150 Cf.: “La chiesa ortodossa ha una forza considerevole nella Russia di Putin, in molti casi la sua influenza supera anche i confini definiti dal diritto: la Costituzione stabilisce un rapporto di parità fra le grandi fedi del paese (cristianesimo, islam, ebraismo e buddismo), ma una legge approvata dalla Duma nel 1997, quando il presidente era ancora Boris Eltsin, riconosce all’ortodossia un ruolo speciale nella storia e nella cultura del paese” (De Biase 2013) [“The Orthodox Church has significant power in Putin’s Russia; and in many cases, her influence even surpasses the confines defined by law. The Constitution speaks of parity between the largest confessions in the country (Christianity, Islam, Judaism, and Buddhism). However, a law adopted by the [State] Duma in 1997, when Boris Yeltsin was still [Russian] president, recognized a special role of the Orthodox Church in the country’s history and culture”].

151 «Особую роль православия в истории России, в становлении и развитии её духовности и культуры».

3.8. Channels of Interaction and Religious Intelligence

Symphony implies, *inter alia*, specific channels of interaction between Church and state. At present, the ROC and Russian state authorities have some formal channels to facilitate interaction and communication with each other. The authorities represented by the President and the Government of the Russian Federation have special councils and commissions on cooperation with religious organizations.

The key organ of the presidential branch of state power is the *Council on Interaction with Religious Organizations* (Совет по взаимодействию с религиозными объединениями), created in 1995. As of May 2017, it consisted of 23 persons and was presided by the Head of the Presidential Administration, Anton Vaino (Kreml' 2017; cf. Kreml' 2015). The Council comprises representatives of many confessions such as the Orthodox, Old Believers, Roman Catholics, Armenians, Protestants, Muslims, Jews, Buddhists, as well as a few academics and secular experts. As of May 2017, the ROC had four seats at the Council, including three bishops: Metropolitan Ilarion (Head of External Relations of the ROC), Metropolitan Iuvenalii (of Moscow Diocese), and Archbishop Ievgenii (Rector of the Moscow Divine Academy and Seminary, and Head of Education Committee of the ROC). Vladimir Legoida represented the Public Relations department of the ROC. Muslims had three seats, and the rest of the denominations had one seat each. These proportions reflect the importance attached to the Orthodox and Muslim communities in Russia. It is underlined that the Council has a consulting character; it prepares analytical reports for the president, discusses drafts of state laws concerning religion and religious communities; and in general, it has to sustain peaceful interreligious coexistence in the country through constant communication and close personal contacts of the representatives under the auspices of presidential power (Kreml' 2010). The Council collaborates with the State Duma and Government departments on religion. It is normally convened biannually, or more often, depending on the circumstance. Its decisions are taken by two-thirds of the members present. The Presidential Domestic Policy Directorate, being a subdivision of the Presidential Administration, provides organizational support for the Council. The Head of the Directorate is deputy head of the Council on Interaction with Religious Organizations. Between Kirill's enthronement in 2009 and until May 2017, the Council conducted 12 meetings. The fact that the Council used to be headed by Sergei Ivanov, one of close friends of Vladimir Putin and chief of his administration at the same time, and that now it continues to be headed by the Head of Administration, speaks in favor of the special importance of the religious-secular correlation for the Kremlin.

Figure 3: A meeting of the Council on Interaction with Religions in December 2014



The Government of the Russian Federation as the executive branch of state power in the country has a special *Commission on Religious Organizations* (*Комиссия по вопросам религиозных объединений при Правительстве Российской Федерации*). It deals with questions connected with religious organizations that technically can or have to be solved through the Government (Pravitel'stvo 2017). The Commission consists of 26 members (Pravitel'stvo 2016), with Deputy Head of the Government being its chairperson. Unlike the Council in the Kremlin, its members are laymen, most of whom represent governmental subdivisions (Pravitel'stvo 2016). For example, the Commission decides on state real estate and its transfer to religious organizations (Pravitel'stvo 2014). Between 2013 and May 2017, the Commission had 4 sittings.

The legislative State Duma of the Russian Federation has a *Committee on the Development of Civil Society and Affairs of Public and Religious Unifications* (*Комитет Государственной Думы по развитию гражданского общества, вопросам общественных и религиозных объединений*). One of Committee's aims is to develop norms of law that provide for the freedom of conscience and activities of religious unifications (Komitet 2017a). The Committee consists of ten persons representing various parliamentary parties (Komitet 2017b). This constellation reflects the infighting of parliamentary fractions for "tasty" shares of the "political pie" in the Parliament. In 2017, the Committee was headed by a

member of the Communist Party of the Russian Federation, which fact demonstrates that the Committee in question is of little value compared to some others, although controlling any committee, instead of just being a regular member, is still important. Furthermore, the Committee has an Expert Council, whose decisions serve as recommendations.

Following the enthronement of Kirill, the ROC created a special department of public relations, later rebranded as the *Department of Relations with Society and the Mass Media* (Синодальный отдел по взаимоотношениям Церкви с обществом и СМИ), which used to be headed by Father Vsevolod Chaplin, famous for his controversial public statements. Chaplin belonged to the “core” of those in the modern Moscow Patriarchate who contributed to the generation of ROC’s concepts and evaluation of publicly relevant developments (cf. Chaplin 2007, 2013). In December 2015, Chaplin fell in disgrace and was ousted, and the Department received a new chief, a loyal layman, Vladimir Legoida. The Department is tasked with establishing and sustaining liaisons with state legislative authorities, political parties, and other institutions of civil society (Sinfo 2009).¹⁵² If ordered by the leadership, the Department may contact executive authorities across the former Soviet republics (Zhurnal 18). Considering the membership of Legoida at the Kremlin’s Council on religious communities and his access to the chief of the presidential staff, his role appears to be quite serious.

One of the most interesting activities of the Department is comprehensive monitoring of the religious landscape in Russia through its analytical subdivision called the *Center of Geography of Religions* (Центр географии религий), created in 2010, and headed by Roman Silant’ev, a leading expert on Islam and Muslim communities. The Center’s objective is to study the overall religious situation on the canonic territory of the ROC and to chart detailed interactive maps and atlases of all significant religions in the country,¹⁵³ to draft and compile references

152 «Отделу поручено осуществление связей с органами законодательной власти, политическими партиями, профессиональными и творческими союзами, иными институтами гражданского общества на канонической территории Московского Патриархата» [“The Department’s task is to connect with organs of legislative power, political parties, trade and art unions, and other institutions of civil society on the canonic territory of the Moscow Patriarchate”].

153 «Интерактивная карта всех религиозных общин России. Проект Московского государственного лингвистического университета (МГЛУ) и портала Интерфакс Религия при участии Министерства юстиции РФ, Отдела Московского Патриархата по взаимоотношениям Церкви и общества и Фонда

and encyclopedias, as well as to provide the Church leadership with reports on the issue. One of the key tasks of the Center is early identification of conflict situations capable of damaging the Church (Geografiia 2015).¹⁵⁴ It makes the Center indeed a modern religious intelligence service akin to secular agencies.¹⁵⁵

The *Department of Cooperation with the Russian Armed Forces and Law-Enforcement Agencies* (Синодальный отдел Московского Патриархата по взаимодействию с Вооружёнными Силами и правоохранительными органами), founded in 1995, is noteworthy as well. Its activities are based on agreements between the ROC and respective ministries (Otdel 2017).¹⁵⁶

“Взаимодействие цивилизаций” при технической поддержке HitRoad» [“The interactive map of all religious communities in Russia. Project of the Moscow State Linguistic University (MSLU) and *Interfax Religion*, with participation of the Ministry of Justice of the Russian Federation, Department of the Moscow Patriarchate on Public Relations, and the *Interaction of Civilizations Foundation*, technically assisted by *HitRoad*”].

- 154 «Раннее выявление конфликтных ситуаций, могущих нанести урон авторитету Русской Православной Церкви» [“Early identification of conflict situations capable of damaging the reputation of the Russian Orthodox Church”].
- 155 The findings used to be available at interfax.hitroad.ru; however, perhaps due to the sensitive character of the intelligence with regard to other religions, it is out of public access at present (“secret service”). Instead, the Church has a map of the temples and monasteries of the ROC at map.patriarhia.ru.
- 156 «Взаимодействие нового Синодального учреждения с силовыми ведомствами и правоприменительной системой выстраивалось на основе взаимоотношений, подписанных [sic] Русской Православной Церковью с силовыми министерствами и ведомствами» [“The cooperation between the new Synod department and the defense and law-enforcement bodies was based on relations, signed [sic] by the Russian Orthodox Church and the defense and law-enforcement ministries and agencies”]. The language culture of the ROC is quite poor, and the quoted paragraph reflects the contemporary linguistic decline; in particular, how can “mutual relations” be “signed”?

Figure 4: The structure of the Armed Forces Department (Struktura Otdela 2017)¹⁵⁷

Figure 4 shows how complex the structure of the Department is and how many sectors it aims to cover. It also demonstrates how serious the strategy of the ROC is in this particular dimension: the armed forces and related agencies make up the core of any state in general. The constant and active presence in these structures of state power implies that the Russian state sees the ROC as a strategic ally. The ROC arranges temples and prayer rooms, making her religious services and counseling available and accessible right on the spot. In so doing, the Church exercises her “soft power” on servicemen, which should improve the discipline and psychological climate in the ranks (Otdel 2017).¹⁵⁸ The Department is headed by Father Sergii Privalov, a retired lieutenant colonel, for whom the Russian armed forces

157 The scheme shows relations of the ROC's Department with the existing military corps of the Russian Armed Forces, as well as police, customs, and some other agencies.

158 «Душепопечительская забота священнослужителей о личном составе благотворно повлияла на дисциплину и морально-психологический климат в коллективах, способствовала сокращению случаев неуставных взаимоотношений в армии [...]» [“The counseling care of priests regarding the servicemen has

make up part of his life, and who knows the situation from within (Predsedatel' Otdela 2017). Many employees of the Department are also related, as retired officers, either to the armed forces or to the law-enforcement agencies.

The *Department of the Moscow Patriarchate on Penitentiary Service* (Отдел Московского Патриархата по тюремному служению) was created in 2010. The Department is headed by Bishop Irinarkh who is experienced in handling the problems of alcoholism and drug addiction at the international level. The Church points out that, in the Russian Federation, there were 1020 penitentiary facilities as of early 2013; in them, the ROC arranged 517 acting jail temples; priests involved in the in-jail service accounted for 954 persons (Ugolovnaia 2014: 3). As of 2015, jails had 524 acting temples and some 1200 priests involved (Irinarkh 2016: 12). As of May 2017, in the penitentiary facilities of the Russian Federation there were 622 079 convicts, serviced by a staff of 295 967 persons (FSIN 2017). Engaging in the penitentiary system of the countries on her canonical territory, the ROC demonstrates how seriously she takes her cooperation with the state. Jails and convicts are probably the most neglected and “undesired” elements of any society, and they exist somewhere on the verge of public consciousness. Nevertheless, sentencing and jailing belong to unconditional functions of the state, and cooperating with the state on these sensitive matters implies a fundamental Church strategy (see section 5.22).

Hence, out of the three branches of state power, the Council in the presidential administration is most influential in terms of *Realpolitik*, because it consists of persons capable of taking (or influencing) decisions and generating concepts of the actual interreligious coexistence in the country. The channels in the Government and in the Parliament rather serve as technical conduits for decisions taken elsewhere. This means, in principle, that in order to push through a certain issue at the national level, one has to look for ways of getting in touch with the Kremlin's Council. For example, in 2012, it ordered the Ministry of Education and Science of the Russian Federation to introduce the famous academic course on the basis of the “traditional religions” and ethics in the federal school system, thus bypassing the federal Government and Prime Minister (Zasedanie 2012).¹⁵⁹

had a positive effect on the discipline and moral-psychological climate in the units. It has contributed to the reduction of hazing in the military [...]”].

- 159 «Министерству образования и науки поручено обеспечить введение в четырёх классах учебного курса “Основы религиозных культур и светской этики” в 2012–2013 учебном году, а также ускорить и завершить разработку методической литературы по курсу» [“The Ministry of Education and Science shall provide for the introduction of the educational course ‘Bases of Religious Cultures

A number of ROC's agencies on cooperation with the public sphere were either created or reorganized after Kirill's enthronement, showing the importance of these aspects. In particular, Orthodox religious intelligence and the early conflict identification service testify to the modern character of the ROC that emulates secular patterns: the ROC collects and analyzes specific data in order to control the "market of religious services."

3.9. The ROC in Public Opinion

3.9.1. Public Importance

The importance of Orthodoxy for Russia is hard to overestimate; even the Bolsheviks in the 1930s referred to evangelical tropes in their pivotal and legendary *History of the Pan-Soviet Communist Party (of the Bolsheviks): A Brief Course* (*История всесоюзной коммунистической партии (большевиков): краткий курс*), calling the opponents' political platform "Pharisaic" (Kurs 1938: 271).

Today, the ROC evaluates her current position in Russia as a religion of the national majority (Concept 2008: III.4), which paves the way for the implementation of the ROC's concept of "Orthodox nation" (see section 7.4). She also believes that the secular character of the state must not imply secular rigorism, that is, that "religion should be radically forced out of all the spheres of the people's life" (Bases 2000: III.3).¹⁶⁰

As for public opinion in the Russian Federation, *Romir*, an official representative of *Gallup International* in Russia and the CIS, provided an interesting outcome on that score. A poll in July 2013 inquired about people's trust in a number of the country's public institutions.

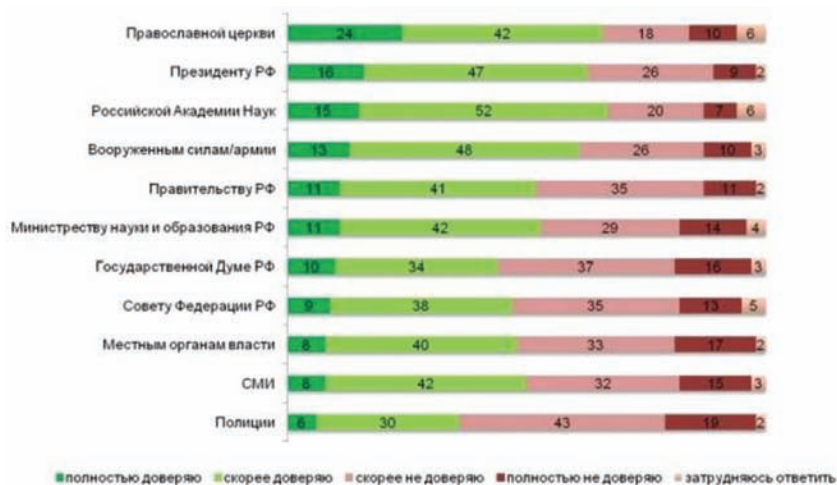
In the rating of trust in various social institutions, as per the latest poll of research holding *Romir*, curious developments have occurred. [...] The Russian Orthodox Church has taken the first position, entirely trusted by 24% of respondents. The third position is taken by national academia represented by the Russian Academy of Sciences (15%), followed by the armed forces (13%). In fact, the poll's outcome testifies that Russians

and Secular Ethics' in the four classes in the 2012–2013 academic year, as well as acceleration and completion of development of the methodological literature pertaining to the course"]. As of May 11, 2014, 32% of the schoolchildren chose the Bases of Orthodox Culture; 41.7% took the Bases of Secular Ethics; 4.2% took the Bases of Islamic Culture; 0.57% took the Bases of Buddhist Culture; and 0.05% chose the Bases of Judaic Culture (Zasedanie 2014).

160 «Нельзя понимать принцип светскости государства как означающий радикальное вытеснение религии из всех сфер жизни народа» (Concept 2008: III.3).

are coming back to the primordial commandment “For the Faith, Tsar, and Homeland.” (Romir 2013)¹⁶¹

Figure 5: Ratings of trust in public institutions in Russia, July 2013 (Romir 2013)¹⁶²



Compared to 2011, the ROC considerably enhanced her positions in 2013 from 13% to 24%, whereas the institution of the presidency lost 4% (Romir 2011). A comparison with 2004 demonstrates even worse dynamics for the presidency: between 2004 and 2013, this institution's popularity plummeted from 59%, whereas the ROC remained stable both in 2004 and 2011 (Romir 2011). Nevertheless, this result reflects a tendency in the post-Soviet era of Russian history (cf. Evans/Northmore-Ball 2012). An alternative poll of the Levada Center, conducted in September 2014, shows better prospects for the state.

161 «В рейтинге доверия различным социальным институтам, согласно последнему опросу исследовательского холдинга Ромир, произошли любопытные изменения. [...] на первую строчку рейтинга вышла Православная церковь, в полном доверии которой заявили 24% опрошенных. На третьей строчке разместились отечественная наука в лице Российской Академии Наук (15%), а за ней следует армия (13%). Фактически результаты опроса свидетельствуют о том, что россияне возвращаются к исконной русской заповеди “За Веру, Царя и Отечество”».

162 When adding the dark green (“complete trust”) and light green (“relative trust”) fields, the poll gives 66% of general trust in the ROC and 63% of trust in the President.

Table 1: *The poll of general trust in Russia, the Levada Center in September 2014 (Levada 2014)*

	Вполне заслуживает		Не вполне заслуживает		Совсем не заслуживает		Затрудняюсь ответить	
	2013	2014	2013	2014	2013	2014	2013	2014
Президент	55	79	30	13	12	4	4	4
Церковь, религиозные организации	48	54	25	20	10	7	17	19
Армия	43	53	34	30	13	9	10	8
Правительство	30	46	39	35	25	10	6	8

Romir explains its outcome through appearance of new and charismatic leaders in the Russian polity; in particular, the trust in the ROC grew over 2011–2013, *inter alia*, due to Kirill, since, according to the agency, the trust in question has a distinct personal character. Therefore, according to *Romir*, the “remodeled” pre-revolutionary slogan *For the Faith, Tsar, and Homeland* (*За Веру, Царя и Отечество*) is starting to gain currency in Russia, which is hardly true in my opinion. Interestingly, *Romir* regards it as an “essential” Russian commandment.

The Levada poll gives a surge of popular trust in the President, from 55% in 2013 (less than the data of *Romir*) to 79% in 2014, which is a result of the “tectonic” shift in politics and its media coverage over the said period. However, the ROC was not singled out quite clearly in the poll (“the Church and religions”), so the outcome is less than that of *Romir*, from 48% in 2013 (*Romir* has 66%) to 54% in 2014. Nevertheless, the tendency is the rise of trust in religion, including the ROC. It is no wonder, therefore, that state authorities are trying to instrumentalize the ROC and feed on the Church’s public credit.¹⁶³

Moreover, there are grounds to believe that Kirill’s energetic activities leave quite ostensible traces in the Kremlin. Above, I quoted President Putin’s statement concerning the “sacral” status of the Crimea in connection to Christianity. Another thing speaks volumes in this respect, too. Interviewed in September 2013 by the Russian *Pervyi Kanal* and the American *Associated Press*, Putin revealed a detail that can be interpreted as the influence of the ROC’s concept of “Orthodox nation,” as well as Kirill’s idea of the “Russian Ecumene” involving Russia, Belarus, and Ukraine. Referring to the latter, Putin said:

163 Cf.: “The Russian Orthodox Church is the most powerful symbol of Russian *statehood*, tradition and culture” (Knox 2010: 105). (Italics mine).

You know, whatever happens, and wherever Ukraine would go, we would anyway encounter each other somewhere sometime. Why? Because we are one people. For we have one Dnepr [river], the Kievan baptistery; without a doubt, we have common historical roots and common fortunes, we have common religion, common faith; our culture is very much alike, as well as the languages, traditions, and mentality are [...]. [...] Concerning [...] Ukraine, we understand and remember that we were born, as I said, in common-Ukrainian [sic] Dnepr baptistery; Rus' took roots there, and we all stem from there. (Putin 2013)¹⁶⁴

Putin reproduced almost *verbatim* Kirill's ideas (cf. Kirill 2009),¹⁶⁵ and reiterated them elsewhere (see Putin 2014a). On the one hand, it would be too rash to ascribe such utterances to his sheer belief in what he says in public. President Putin is, first and foremost, a seasoned politician looking for opportunities to have his way in the world of checks and balances. Whatever the motivation may be, the Kremlin's public appeal to the Orthodox codes emphasizes the importance of the ROC for the Russian Federation.

3.9.2. Secular Society and Religious Values

That noted, however, authoritative polls conducted in June 2015 point out a tendency of Russian society to keep the secular character of the state, although this

164 «Вы знаете, что бы ни происходило и куда бы Украина ни шла, мы всё равно когда-то и где-то встретимся. Почему? Потому что мы один народ. [...] Потому что у нас одна днепровская, киевская купель, у нас, безусловно, общие исторические корни и общие судьбы, у нас общая религия, общая вера, у нас очень схожая культура, языки, традиции и менталитет [...]. [...] Что касается [...] Украины [...] то мы понимаем и помним, что мы родились, как я сказал, из общеукраинской [sic] днепровской купели, там зарождалась Русь, и мы все оттуда родом».

165 «Ядром Русского мира сегодня являются Россия, Украина, Белоруссия, и святой преподобный Лаврентий Черниговский выразил эту идею известной фразой: "Россия, Украина, Беларусь – это и есть святая Русь". [...] несмотря на государственные разделения, на определённые нестыковки в политике мы духовно, ещё раз хочу подчеркнуть, мы духовно продолжаем оставаться одним народом [...]. [...] В основе Русского мира лежит православная вера, которую мы обрели в общей Киевской купели крещения» ["Russia, Ukraine, and Belarus are the core of the Russian Ecumene today; and St. Lavrentii of Chernigov expressed this idea by the famous phrase: 'Russia, Ukraine, and Belarus are the Holy Rus' [...] despite the state divisions and some political discords, spiritually, and I want to stress it again, spiritually we continue to be one people [...]. [...] The Orthodox faith lies in the basis of the Russian Ecumene, which we acquired in the common Kievan baptistery"].

is counterbalanced by some reservations. Between 2007 and 2015, the share of those supporting secularity as a constitutional norm increased from 54% to 64% (WCIOM 2015).¹⁶⁶ 10% of the polled are in favor of a certain religious component in the country (a decrease from 17% in 2007), whereas 12% support an official state religion (13% in 2007).¹⁶⁷ Interestingly, the share of Orthodox believers in the latter is only 13%, whereas 17% is taken by representatives of other religions (WCIOM 2015). This means that the Orthodox in Russia are in favor of the *status quo* (cf. Concept 2008: III). Overall, a good half of the polled want the ROC to influence the spiritual life of society (47%), approving the current state of affairs; yet the other half think that she should not at the same time intrude in politics.¹⁶⁸ Contrary to this opinion, 32% do not welcome the Church in secular life at all; instead, she should focus on purely religious matters.¹⁶⁹ Hence, the classical model of secularism, carving out religion from the public sphere, is supported only by 1/3 of Russians. At the same time, another 34% would want religion to play an important role in society, balancing the extremes, of which the Orthodox follow other religious groups (36% versus 39%, respectively). The poll organizers conclude that modern Russian society is secular, given that 57% of the polled want to live in a country where religion does not have a significant impact on the majority of the population.¹⁷⁰

166 «С 2007 г. по 2015 г. доля россиян, выступающих за сохранение конституционной нормы о светском государстве, заметно выросла: с 54% до 64%».

167 «Каждый десятый (10%) полагает, что стране все же нужна определённая религиозная составляющая (в 2007 г. таковых было 17%). Восстановление государственной религии на законодательном уровне поддерживают по-прежнему около 10% опрошенных (13% в 2007 г. и 12% в 2015 г.)».

168 «Церкви следует влиять на духовную жизнь социума, но не вмешиваться в политику – таково представление об идеальных взаимоотношениях церкви, общества и государства 47% наших сограждан. И столько же (47%) отмечают, что в настоящее время церковь верно выстраивает свои отношения с социумом, высказывая свою позицию только при необходимости и не вмешиваясь в вопросы, её не касающиеся».

169 «Каждый третий (32%) считает, что представителям церкви не следует как-либо вмешиваться в светскую жизнь, а заниматься проблемами веры и религии».

170 «Наше общество скорее является секулярным. Более половины россиян (57%) хотят жить в стране, где религия не оказывает значимого влияния на жизнь большинства людей, а вера или неверие является частным делом каждого. Иной позиции придерживаются 34% опрошенных: они хотят, чтобы в их стране религиозные ценности играли важную роль в социальной жизни».

However, this conclusion should be corrected, suggesting that modern Russian society is post-secular. As we have seen, post-secularity implies that society is religion-inclusive, albeit there will always be those who favor the strict model of secularity. The data provided by the above poll is quite convincing on that score. Besides, recent scholarship tends to distinguish between different approaches, models, and forms of coexistence within the post-secular *modus vivendi* (cf. Uzlaner 2014: 54).¹⁷¹ Their coexistence is sometimes not an easy task, yet the post-secular order is becoming continuously established.

171 “Rather, the main choice in the current situation is between various models of post-secularism and between different forms that can and should be assumed in particular by the hybridization of religion and politics, of public order and religious norms, and of secular knowledge and confessional belonging.”

4. The ROC-State Cooperation from 1917 until 1991

This section provides a survey of the most protruding developments regarding church-state relations in the USSR between 1917 and 1991, representing the Soviet era of ROC history. From the external perspective, this period pushed the Church off into the private sphere, so it is problematic to speak about the public role of the ROC except in the context of the Civil (1918–1922) and Great Patriotic Wars (1941–1945). On the other hand, the cooperation between the ROC and the Soviet state throughout the period was at times intense and not only dramatic, or even tragic, but also complementary.

Other historical eras of Church history deserve a few words, including the pattern culture of Byzantium. In connection with Byzantium, the term “caesaropapism” suggests itself (cf. Dagron 2003: 282, 292). It is a hackneyed historiographic term implying “allegedly unlimited power of the Byzantine emperor over the church” (Papadakis/Kazhdan 1991: 364), thus fitting into one of the discussed models of church-state relations (see section 3.7). Indeed, on the one hand, “the emperor could not remain neutral. He was the guarantor and often the principal architect of the unity of the church” (Dagron 2003: 298). The tradition of ascribing the lopsided influence to East Roman emperors in ecclesiastical matters goes back to Eusebius of Caesarea († c. 340 C.E.),¹⁷² who “admitted that the emperor could directly interfere with the Church affairs, including her doctrine” (Khrapov 2004: 163).¹⁷³ On the other hand, the evaluation of church-state relations in Byzantium as “caesaropapism” is not shared by all: “the term has been rejected by most

172 Cf.: «В представлении Евсевия император, соединяя в своём лице гражданскую и религ.[иозную] власть, занимает исключительное место в церковно-гос.[ударственных] отношениях, играет роль более значительную, чем епископы, его авторитет выше авторитета Соборов. В таких взглядах Евсевия, по мнению зап.[адных] учёных, впервые выразилась и получила богословское обоснование теория цезарепапизма» [“According to Eusebius, the emperor, combining both secular and religious power, has an exclusive place in church-state relations. He plays a more significant role than bishops, and his authority is higher than that of the Councils. In such views of Eusebius, according to Western scholars, the theory of caesaropapism was first reflected and received its theological substantiation” (Khrapov 2004: 163)].

173 «Евсевий допускал прямое вмешательство императора в дела Церкви, в т.ч. и в вопросы вероучения».

scholars as a misleading and inaccurate interpretation of Byz.[antine] political reality” (Papadakis/Kazhdan 1991: 364).¹⁷⁴ In particular, “not a single Byz.[antine] emperor tried to act as ‘pope’ or patriarch, whereas the bishop of Rome did on occasion assume the role of caesar” (Papadakis/Kazhdan 1991: 364). Besides, “in certain situations the church administration controlled and judged secular functionaries” (Papadakis/Kazhdan 1991: 365). These and other facts lead to a conclusion that “in sum, the term caesaropapism altogether exaggerates the degree of actual control of the church by the state” (Papadakis/Kazhdan 1991: 365).

Regarding Russia, Konstantin Kostjuk divides the church-state relationship into five consecutive periods. The division is traditional, and I agree with it. These periods are: the Kiev period; the Moscow period; the St. Petersburg period; the Soviet period; and the post-Soviet period. However, he cuts off the Soviet era in 1988 (Kostjuk 2001: 180), which is nonsense because the USSR still existed. I remain at the traditional dating (until December 1991).

Analyzing church-state relations in Russia, Kostjuk stresses a more decisive role of the Church for Russian statehood compared with the Byzantine model, which is probably true. He also believes that Ivan IV for the first time in Russian history substantially deprived the ROC of her, until then, “free voice,” the death of Metropolitan Filipp in 1569 being the watershed (Kostjuk 2001: 178). I believe this is a rather misleading view representing a popular opinion, since it contradicts archive documents such as the conciliar resolution of the ROC dated 1572, that is, after the introduction of *опричина* and the death of Metropolitan Filipp, the head of the ROC at the time. In the resolution, a host of the Russian clergy, referring to Orthodox canon law, prescribed strict discipline measures for the “terrible” Tsar in connection with his fourth marriage (Brak 1572). If the ROC had been silenced, it would not have dared speaking up against the “monstrous” sovereign in general, let alone in such top-down terms.

174 Cf.: «В царствование Юстиниана возникало мн.[ожество] церковных проблем, к к-рым он проявлял большой интерес. Его действия и вся церковная политика в целом получили неоднозначную оценку как современников, так и исследователей нового и новейшего времени: одни подчёркивали цезарепапистский характер его стремлений подчинить себе Церковь, др.[угие] отвергали обвинения в цезарепапизме» [“During the reign of Justinian, there were many ecclesiastical problems in which he demonstrated much interest. His actions and his Church policy overall received controversial evaluations from both his contemporaries and researchers of the new and most recent time. Some stressed the caesaropapist character of his intentions to subjugate the Church; others rejected the accusations of caesaropapism” (Khrapov 2004: 169)].

This ecclesiastical collectivity loses strength in the St. Petersburg era, which lasted from Petr I until Patriarch Tikhon's enthronement (1721 – December 1917). Petr I by force of the state altered the Church governance, issuing his famous *Духовный Регламент*. According to it, the ROC lost her internal freedom because the newly appointed college members had to take an oath to the Tsar and his family (e.g., “[I] owe my natural and true Tsar and Sovereign [...] to be a faithful, good, and obedient slave and subject”) (Reglament 1830: 315).¹⁷⁵ Petr elaborated on the collegial nature of the new body, stressing its preeminence over the single-headed governance in the Church, especially in Russia (Reglament 1830: 316). At the same time, Petr and Feofan Prokopovich, who composed the document for him (Florovskii 2009: 116), saw no comparison between the Church and state monarchy as a single-headed power, since monarchy was believed to come from God, albeit even monarchs used to have their councilors (Reglament 1830: 316–317).

Besides, it is highly interesting that Petr did not conceal his fear of possible mutinies that might occur under a patriarchal rule, and that are less possible in a collegial structure. Here, an example of his father, Tsar Aleksei Mikhailovich, and his relations with the “rebellious” and imperious Patriarch Nikon come to the fore, as Petr discusses populace's inability to distinguish properly between the state's notion *Государь* and the “second ruler” from the “Church.” Moreover, in Petr's words, the populace tended to prefer the Patriarch as a “higher” standing rank (Reglament 1830: 317–318). After the tragedy of *Раскол*, which triggered a serious religious conflict in Russia, Petr could not tolerate the institution of patriarchy. It is clear that the Divine College was designed as one of many state bodies in the Russian Empire, being fully accountable to the Tsar. Petr appealed to the Patriarch of Constantinople, writing to him for his blessing (Gramota 1915). Although the Patriarch of Constantinople had never seen the text of *Регламент* (Anisimov 2007: 433), he and other Oriental Patriarchs blessed it (Patriarkhi 1915). The ROC thus became a “state department” whose goal, according to the oath of College members, was to contribute to the benefit of the monarchy and to prevent its damage (Reglament 1830: 316). This movement towards the secular principle of state rule took place when the country was being torn apart by the religious conflict between the Old Believers and the rest of the Orthodox, with a sizable proportion of the population tending to split up the state. In this

175 «[Д]олженъ есмь моему природному и истинному Царю и Государю [...] вѣрнымъ, добрымъ и послушнымъ рабомъ и подданнымъ быть».

respect, Russian early modernity is quite in line with West European experience (cf. Habermas 2008: 22).¹⁷⁶

Nonetheless, the Russian state before 1917 preserved a strong official link to the ROC that enjoyed a special status in the Empire. In 1797, Pavel I made amendments to the throne inheritance law and declared the monarch “Head of the Church” (*Глава Церкви*) (Akt 1797: 588),¹⁷⁷ which was later somewhat mitigated in the *Code of Laws of the Russian Empire* (*Сводъ законовъ Россійской Имперіи*), Article 42, first published in 1832, in the sense of protection of the Orthodox faith and order (Glava 2006: 532): “The Emperor as a Christian Tsar is the supreme protector and keeper of the dogmas of the dominant faith, and the guardian of the true belief and of any good order in the Holy Church” (Svod 1857a: Art. 42).¹⁷⁸ Even this corrected statement is an example of the “caesaropapist” encroachment on Orthodox canon law, being a logical development of Petr’s ideas. Russian tsars, and not the clergy, let alone the Church as a body in general, were declared supreme keepers of the Church doctrine, which fact makes their legal style similar to that of Roman emperors. This circumstance contradicts the leading contemporary Russian canon law scholar, Vladislav Tsy-pin, who writes that the Synod era has nothing to do with Byzantine legacy, but rather with the Protestant doctrine of territorialism and state ecclesiality (cf. Tsy-pin 2012: 774–775).

The “theological philosophy” of Aleksei Khomiakov († 1860), a famous thinker and theologian out of the so-called Slavophiles in Russia, on *соборность*, highlighting the entire ecclesiastical community as the guardian of the Orthodox doctrine, and viewing Orthodoxy as a unity of all, can be considered a theological reply to the Russian imperial law on the Emperor as the earthly head of the ROC

176 “The secularization of the state was the appropriate response to the confessional wars of early modernity. [...] After the Reformation, the state initially faced the elementary task of having to pacify a society divided along confessional lines, in other words, to achieve peace and order. [...] In countries with confessional strife the state had to disarm the quarreling parties, invent arrangements for a peaceful coexistence of the inimical confessions and monitor their precarious existence alongside each other. [...] [Secularization could] guarantee its citizens equal freedom of religion under the proviso that they no longer barricade themselves within their religious communities and seal themselves off from one another.”

177 «Государи Россійскіе суть Главою Церкви».

178 «Императоръ, яко Христіанскій Государь, есть верховный защитникъ и хранитель догматовъ господствующей вѣры, и блюститель правовѣрія и всякаго въ Церкви святой благочинія».

(Khomiakov 1907a: 3).¹⁷⁹ In the beginning, in §2 (twice) and in §3, Khomiakov stresses that the Head of the Church is Jesus Christ. He argues that the whole amount of Orthodox communities keeps the faith, and a separate community or pastor cannot impose their interpretation on others because no community or pastor on their own can be guardians of the faith (Khomiakov 1907a: 6).¹⁸⁰

This seems to be a standoff with the applicable law of the Russian Empire, not so much theological as political, questioning the sacred aspect of legal authority of the Russian monarchy. Emperors were considered semi-sacral once they underwent the enthronement procedure, which included anointing (Svod 1857a: Art. 35). Tsars were the only Orthodox persons who could undergo anointing twice in a lifetime: the first time when baptized (which is common for all believers), and the second time during their enthronement. The figure of the emperor, already standing high in society, from Pavel I onward was sacralized in Russian imperial law by according him the title “Head of the Church” (see Svod 1857a: Art. 42).¹⁸¹ At the time, the confusion between secular law and canon law seemed to have aroused no public questions, because whoever expressed public blasphemy, converted to another denomination, or contributed to conversion of another person were subject to punishment under criminal law of the Russian Empire (see Svod 1857b: Art. 200, 205, 207). In particular, any criticism of the Orthodox faith and the Church could be construed as a reprimand thereof (*порицание Церкви*) and, as a result, could imply a breach of law with serious implications (see Svod 1857b: Art. 194, 195, 197). This assumption provides a possible explanation as to why Khomiakov never published his text, either in Russia or abroad, although he thought of undertaking a certain performance of divulging his manuscript in a Greek translation in Athens first and then “importing” it from Greece as an “unknown original” Orthodox text (Khomiakov 1907a: 2). Khomiakov’s position

179 «Церковь видимая или земная живеть въ совершенномъ общеніи и единствѣ со всѣмъ тѣломъ церковнымъ, коего глава есть Христосъ» [“The visible or earthly Church lives in complete communion and unity with the whole ecclesiastical body, whose Head is Christ”].

180 «Благодать вѣры неотдѣльна отъ святости жизни, и ни одна община и ни одинъ пастырь не могутъ быть признанными за хранителей всей вѣры, какъ и ни одинъ пастырь, ни одна община не могутъ считаться представителями всей святости церковной».

181 «Въ семъ смыслѣ Императоръ, въ актѣ о наслѣдіи Престола 1797 Апр. 5 (17910), именуется Главою Церкви» [“In this regard, the Emperor is called Head of the Church in the Inheritance Act dated April 5, 1797 (17910)”].

can be viewed in this connection as a conceptual rejection of the sacralization of man by Russian Orthodox intellectuals of that time.

4.1. The Church-State Relations in 1917–1918

4.1.1. The February Revolution of 1917

Until the February Revolution of 1917, the Orthodox Church in Russia was part of the imperial structure, managed by *Святейший Синод* with *Оберпрокурор* as president. On March 6, 1917, the Synod ruled to consider the abdication acts of Nikolai II and his brother Mikhail, dated March 2 and March 3, and carry them into effect by reading aloud in temples across the country (Sinod 1917a). A few days later, the Synod ruled to alter the prayer order regarding the royal dynasty and pray for the Provisional Government (Sinod 1917b). This “private” ruling amazed members of the Religious and Philosophical Society in St. Petersburg. They stressed the fact that the anointing of the Tsar had not been mentioned by the Synod and pointed out that the formula of the implicit desacralization “to consider and carry into effect” (*принять к сведению и исполнению*) leaves Russians wonder if the arrested monarch still had a sacred status (Babkin 2006: 24). In this regard, the Society suggested issuing a special act revoking the anointing, similar to acts annihilating marriage and priesthood. In other words, although the suggestion was not implemented, the Russian intelligentsia raised the issue of desacralization of the monarch and monarchy.

Documents testify that ROC leaders in 1917 neglected the Tsar as the Head of the Russian Church. They did not side with the arrested emperor; on the contrary, they continued their activities under the new conditions as if nothing crucial had happened. The immediate future proved, however, that by desacralizing the Russian royals in the eyes of the population and by depriving them of support, the ROC deprived herself of the earthly guardian. In 1917, the Russian Orthodox idea of sacralization gave way to secularization. Nevertheless, it did not disappear completely: as we can see from the cult of Lenin and Stalin, the sacred character of state leaders in Russia received a twisted afterlife. Soviet Russia in the 1920s and 1930s was inspired by the “assault of the sky” (*штурм небес*) and the Communist belief in the “radiant future” (*светлое будущее*), a sort of paradise on earth, which was a secularized version of Old Testament messianism (cf. Berdiaev 1990: 94).¹⁸² It used the notions of “chosen people” (proletariat) and “messianic

182 «Я склонен думать, что даже активное участие евреев в русском коммунизме очень характерно для России и для русского народа. Русский мессианизм

era” of Communism (cf. Berdiaev 1990: 83).¹⁸³ Both Russia as a nation state and the Church had no place in this teaching that stipulated the confrontation of the Bolshevik regime and the ROC in the decades before the Great Patriotic War (1941–1945).

4.1.2. The Revolution of 1917–1918

In the fall of 1917, the ROC restored the patriarchal rule and thus ended the St. Petersburg period of her history. All ecclesiastical powers were now attached to the Local Church Council (Sobor 1917a). The new post-monarchial situation in the country and the Bolshevik coup made the ROC Council issue a resolution on the legal character of the Church in Russia, dated December 2 (15), 1917. The document formulates twenty-five “to be” provisions regulating church-state relations. The first provision stipulates the leading position of Orthodoxy in the Russian state due to its being “a¹⁸⁴ great historical force that created the Russian State” (Sobor 1917b: 6).¹⁸⁵ The ROC should be “independent from state” in her doctrinal and liturgical life (Provision 2), and the state should acknowledge internal Church acts and adjudications (Provision 3), whereas state laws pertaining to the Church should be agreed with her beforehand (Provision 4). On pain of criminal punishment, any public desecration of the Church and related aspects should be prohibited (Provision 11). State laws concerning marriage should be based on canon law (Provision 13); public and private schooling should be in line with the spirit of Orthodoxy (Provision 19). Church’s property may neither be alienated (Provision 22) nor taxed, if not involved in commercial activities (Provision 23). Moreover, the ROC should receive annual state funding under a special estimate (Provision 24), and Church institutions should be able to get or preserve corporate legal rights (Provision 25). In the light of church-state relations, it is highly curious that the ROC Council claims a “copyright” for the Russian state. It is also noteworthy that the resolution separates Church from

родствен еврейскому мессианизму» [“I incline to think that the active participation of Jews in Russian Communism is highly characteristic of Russia and the Russian nation. Russian messianism is related to Jewish messianism”].

183 «Маркс создал настоящий миф о пролетариате. Миссия пролетариата есть предмет веры. Марксизм не есть только наука и политика, он есть также вера, религия» [“Marx created a real myth about the proletariat. The mission of the proletariat is a matter of faith. Marxism is not just a science and politics; it is also a faith, a religion”].

184 Or, perhaps, “*the* great force”? Cf. the Russian original below.

185 «Какъ великой исторической силѣ, созидавшей Россійское Государство».

state. At the same time, it takes state funding for granted. It is evident that no state would want to cover religion's expenses without return services or control over this religion. Petr I put the ROC under state control; in return, the ROC received some benefits from the state. The Bolsheviks, on the contrary, claimed to want no religion in their domain.

As a result, in February 1918, they issued a decree radically separating Church from state and school (Dekret 1918). They rejected all privileges connected with religious identification (Provision 2), albeit tolerated religious rituals as long as they did not violate public order (Provision 5). In so doing, the Bolsheviks paradoxically emulated the Roman practice, reflected in the New Testament, when Apostle Paul faced a similar charge of violating public order (cf. Acts 24). In this connection, in both ancient Rome and the early USSR, the state was interested in stability and prosperity, confirming the conclusion drawn from Justinian's formula of symphony.

Some of the most sensitive provisions had to do with "civil duties" of priests (Provision 6) and alienation of Church's property (Provision 12, 13). The property issue seems to have produced the utmost effect upon the ROC. Two days later, the Council came up with a resolution defining the Bolshevik decree as a "malicious encroachment" (*злостное покушение*) on the Church (Sobor 1918c: 816). As a countermeasure, the Council reminded all Orthodox believers, who could be involved in implementation of the decree, of canonic responsibility under *The Apostolic Canons* and the canons of the VII Ecumenical Council, that is, excommunication (Sobor 1918c: 816). On the other hand, apart from canon law, the ROC took care of administrative protection of her property, advising parishes to organize special unions of laymen who could claim corporate rights (Tikhon 1918b: 818).¹⁸⁶ The property issue is also intertwined with canon law: it was prescribed to keep the holy vessels, used in the Divine Service, that could be alienated, as safe as possible because laymen ought not even touch them (Tikhon 1918b: 819).¹⁸⁷ Here, laymen are distinctly separated from the clergy, albeit such

186 Cf.: «Что было действительно новым на Соборе [...] – это отказ Церкви от западного клерикализма, вовлечение мирян в церковный актив» (Pospelovskii 1995: 58) ["What was indeed new at the Council [...] – is rejection of Western clericalism, and involvement of laymen as Church activists"].

187 Cf.: «Эти опасения отражали характерные черты клерикалистского недоверия к мирянам» (Pospelovskii 1995: 59) ["This apprehension reflected characteristic features of clerical mistrust of laymen"].

separation contradicts the approach of Apostle Peter (1 Peter 2: 9).¹⁸⁸ The “royal priesthood” cannot be separated from the clergy; this is a distinct feature of the New Testament as opposed to the Old one. Yet, this Old Testament thinking is reflected in the ROC’s resolution.

During this period, Patriarch Tikhon pronounced the famous anathema on those who were committing “horrible and atrocious reprisals” across Russia (Tikhon 1918a: 813).¹⁸⁹ Evaluations of the anathema amongst Orthodox thinkers are polarized. Some argue that the Patriarch anathematized not the authorities *per se*, but “street murderers” (Krivosheeva 2009: 10). Others, on the contrary, interpret the document as targeting exactly the Bolshevik leaders, headed by Vladimir Lenin (Saltykov 2011). The Greek word ἀνάθεμα in Russian parlance has come to mean a strong curse, whereas in Church language it implies a provision of canon law, that is, excommunication, usually pronounced by a council.¹⁹⁰ There is no doubt that the Bolshevik government took it as a personal curse, as the Bolsheviks did not care about the Church or Christianity.

In general, according to the ROC, all usurpers of Church’s property ought to be excommunicated; this canon covers not only individuals, but also settlements and communities, when need be (Tikhon 1918b: 819). Summing up the situation in early 1918, the Council stated that “even the Tartars had more respect for our holy faith than our incumbent legislators” (Sobor 1918d: 817).¹⁹¹ The Bolsheviks, hence, were declared the worst evil ever experienced by Russia.

188 Peter called the faithful “γένος ἐκλεκτόν, βασιλείον ιεράτευμα, ἔθνος ἅγιον, λαὸς εἰς περιποίησιν” [“a chosen generation, a royal priesthood, a holy nation, His own special people” (NKJ)].

189 «Ведь то, что творите вы, не только жестокое дело, это – поистине дело сатанинское, за которое вы подлежите огню геенскому в жизни будущей – загробной и страшному проклятию потомства в жизни настоящей – земной. Властью, данною нам от Бога, запрещаем вам приступать к Тайнам Христовым, анафематствуем вас, если только вы ещё носите имена христианския и хотя по рождению своему принадлежите к церкви православной» [“What you are doing is not only a severe affair, this is indeed a satanic affair for which you are subject to the fire of Gehenna in the life to come and to awful damnation of posterity in present, earthly life. By the power given to us from God, we prohibit your coming to the Holy Gifts and anathematize you if you have Christian names and if, at least by birth, you belong to the Orthodox Church”].

190 Cf. 1 Cor 16: 22: “Εἰ τις οὐ φιλεῖ τὸν κύριον Ἰησοῦν Χριστόν, ἦτω ἀνάθεμα” [“If someone does not love the Lord Jesus Christ, let him be anathema”].

191 «Даже татары больше уважали нашу святую веру, чем наши теперешние законодатели».

The Brest peace treaty, concluded by the Bolshevik government on behalf of Russia in March 1918 with Germany and Austria, also found a critical reflection in Tikhon's epistles. Bringing up church-state relations, the Church leader stressed again that the ROC "used to help Russian people put together and magnify the Russian state" (Tikhon 1918c: 823),¹⁹² and that she could not bless the "shameful" treaty, as it presupposed new hatred and rancor.

In late 1918, in an address dedicated to the first anniversary of the Bolshevik coup, Tikhon reckoned on the institution of state power and "Christian attitude" to it, quoting Apostle Paul in Rom 13:

It is not Our concern to discuss mundane authority; any authority, admitted from God, would attract upon itself Our blessing if it truly were a "God's servant" for the benefit of its subjects, and if it were "fearful not for good deeds, but for evil ones" (Rom 13: 3). This time, we extend Our word of admonition to you who are using authority to persecute your neighbors and exterminate the innocent. (Tikhon 1918d: 840)¹⁹³

It is noteworthy that the Patriarch makes a clear distinction between "good" and "bad" power, implying that the Bolsheviks turned power into tyranny, which was considered a "bad" type of power in Aristotle's classification (Aristot. Pol. 3. 1279b, see section 3.6).¹⁹⁴ Referring to Paul, Tikhon states that power "from God" would be blessed by the Church. However, the Bolsheviks persecute and exterminate the innocent, and thus prove to be "bad." They cannot be blessed by the ROC, which means that the ROC does not recognize their power as being "from God." If the Bolsheviks, whose rule has imprinted the "image of the beast" (*образ зверя*) in people's souls, do not repent, they, having taken a "sword," will die "by the sword" (Tikhon 1918d: 840).

This interpretation of Rom 13 was overridden in later Tikhon's statements. In 1919, Tikhon stressed that priests should stand outside politics. Moreover, he referred to Apostle Peter and his passage on "obedience to any human authority" (Tikhon 1919: 844)¹⁹⁵ and emphasized that Soviet power did not contradict

192 «Святая Православная Церковь, искони помогавшая русскому народу собирать и возвеличивать государство русское».

193 «Не Наше дело судить о земной власти; всякая власть, от Бога допущенная, привлекла бы на себя Наше благословение, если бы она воистину явилась "Божиим слугой" на благо подчинённым и была "страшная не для добрых дел, а для злых" (Рим 13: 3). Ныне же к вам, употребляющим власть на преследование ближних и истребление невинных, простираем Мы Наше слово увещания».

194 "Ἡ μὲν γὰρ τυραννίς ἐστὶ μοναρχία πρὸς τὸ συμφέρον τὸ τοῦ μοναρχοῦντος" ["For tyranny is monarchy for the benefit of the monarch"].

195 «Повинуйтесь всякому человеческому начальству».

the faith at that point (Tikhon 1919: 844). In 1923, after his release from jail, Tikhon condemned any offence against Soviet power and shifted the fault of his previous sharp invectives onto the ROC Council (Tikhon 1923: 858–859). It is clear, therefore, that the Bolsheviks exercised certain pressure upon the Patriarch, who, under such circumstances, is hardly to blame for the radical change of his previous position.

4.2. The Declaration of Metropolitan Sergii (1927)

The Declaration of Metropolitan Sergii, issued in 1927, who formally was Deputy Patriarchal *Locum Tenens*,¹⁹⁶ being in reality the leader of the ROC at large (Pospelovskii 1995: 114), happened to be a logical continuation of what Patriarch Tikhon used to insist on since 1919. Moreover, the Declaration appears to paraphrase Tikhon's position of 1923. There may be a connection between the fall of prominent Soviet politicians Trotskii, Zinov'ev, and Kamenev in 1927, when they were "excommunicated" from the Communist Party, and the Declaration of Metropolitan Sergii. In this context, the Declaration can be looked at as a symptom of a certain political "thaw" in the early USSR, yet a very dim one. This symptom points to the victory of Stalin over Trotskii as a beginning of the "national turn" after some 10 years of the "international agenda," albeit still clad in the Bolshevik apparel. At that point, the ROC leadership at large, represented by Metropolitan Sergii, hoped that the "wildest wave" of the Revolution was probably over, and that the ROC could perhaps get some relief under the Bolshevik rule (Deklaratsiia 1927a: 510).¹⁹⁷ Metropolitan Petr, the arrested *Locum Tenens*, admitted that the Declaration was a necessary pledge for the existence of the ROC as a corporation in the USSR at the time (Beglov/Vasil'eva/Zhuravskii 2008: 221). The following

196 «Заместитель Местоблюстителя патриаршего престола».

197 «Теперь наша Православная Церковь в Союзе имеет не только каноническое, но и по гражданским законам вполне легальное центральное управление; а мы надеемся, что легализация постепенно распространится и на низшее наше церковное управление: епархиальное, уездное и т.д. Едва ли нужно объяснять значение и все последствия перемены, совершившейся таким образом в положении нашей Православной Церкви, её духовенства, всех церковных деятелей и учреждений» [“At present, our Orthodox Church in the [Soviet] Union has not only her canonics, but also a quite legal central governance in line with the civil laws; and we hope that the legalization will gradually reach our lower Church governance: in dioceses, in counties, etc. The importance and all implications of the change, which has thus taken place as regards the situation of our Church, her clergy, and all Church figures and institutions, hardly need explanation”].

decades demonstrated that this hope had a reasonable ground. However, the ROC still had a long way to go (cf. Shkarovskii 2010: 117),¹⁹⁸ before in 1943 she achieved what she had hoped for. The ROC experienced severe persecutions; nevertheless, looking at those events from the point of view of today, the step of Metropolitan Sergii requires more than a simple flat-out condemnation. Justifying the reconciliation with the Soviet state, the Declaration referred to Rom 13:

We want to be Orthodox and, at the same time, realize the Soviet Union as our civil Homeland, whose joys and achievements are our joys and achievements, and whose failures are our failures. [...] Remaining Orthodox, we remember our duty to be citizens of the [Soviet] Union “not only out of fear, but also out of conscience,” as taught us the Apostle (Rom 13: 5). (Deklaratsiia 1927a: 510–512)¹⁹⁹

We saw above that the paragraph from Paul was referred to in Tikhon’s address (and is built upon in the *Concept*). The fundamental importance of Rom 13 for ROC’s policy is thus emphasized across the board. Its interpretation is subject to change, depending on circumstances. Interesting is how Metropolitan Sergii defended his choice of words in the Declaration before an *émigré* bishop: in the Russian text, the word *комарой* refers to “Homeland” and not to “Soviet Union,” drawing a distinction line between the homeland and the Bolshevik regime (Pospelovskii 1995: 117).²⁰⁰ Linguistics was instrumentalized by the ROC as a means of defense under the severe circumstances of the time.

198 «Митрополит Сергей при всей своей дальновидности и осмотрительности ошибся в расчёте на то, что его уступки позволят свернуть репрессии священнослужителей» [“Metropolitan Sergii, considering all his shrewdness and discretion, made a mistake by counting [on the fact] that his concessions would help curb the repressions of priests”].

199 «Мы хотим быть православными и в то же время сознавать Советский Союз нашей гражданской Родиной, радости и успехи которой – наши радости и успехи, а неудачи – наши неудачи. [...] Оставаясь православными, мы помним свой долг быть гражданами Союза “не только из страха, но и по совести”, как учил нас Апостол (Рим 13: 5)».

200 «Почему-то никто не обратил внимания на то, что, употребляя форму женского рода “которой”, митрополит Сергей говорит о радостях и успехах родины, а не Советского Союза. [...] Митрополит Сергей подтвердил, что этим фразеологическим оборотом он имел в виду преданность родине, а не режиму» [“For some reason, nobody paid attention to the fact that, using the female form of the word ‘whose,’ Metropolitan Sergii speaks about joys and achievements of the homeland and not of the Soviet Union. [...] Metropolitan Sergii confirmed that, by this locution, he had implied loyalty to the homeland and not to the regime”].

Apart from the general issue of existence in the Bolshevik state, it is noteworthy that the Declaration formulates a canonic provision regarding the Church abroad. The Moscow Patriarchate demanded from the ROCA a written pledge of loyalty to the Soviet government: “Those who refuse to give such a pledge or who break it shall be excluded from the clergy of the Moscow Patriarchate” (Deklaratsiia 1927a: 512).²⁰¹ The ruling thus instrumentalized Orthodox canon law in favor of the Soviet state.

By passing the Declaration, the ROC agreed to cooperate with the Bolshevik regime for the sake of her corporal survival in the country that aimed at getting rid of religion. The declaration of loyalty saved the ROC in the short run, and it took a good number of years and the Great Patriotic War before the Soviet authorities changed their mind regarding the public role of the ROC in Soviet society.

4.3. The Stalinist Revival of the ROC (1943–1948)

4.3.1. The ROC's Revival in 1943

The Stalinist revival of the ROC in 1943 was caused by a complicated political constellation due to the success of the Red Army in the Eastern Front (Gzgzian 2013;²⁰² cf. Chumachenko 2002: 189). On September 5, 1943, the Soviet newspaper *Известия* reported the following note on the meeting between Stalin, Molotov, and a few remaining ROC bishops:

During the conversation, Metropolitan Sergii informed the Chairman of the Council of People's Commissioners that the leaders of the Russian Orthodox Church had plans in the near future to convene a Bishops' Council in order to elect a Patriarch of Moscow and all Rus', and arrange a Holy Synod under him. The Head of the government, comrade I. V.

201 «Не давшие такого обязательства или нарушившие его будут исключены из состава клира, подведомственного Московской Патриархии».

202 «Ясно, что Сталину нужны были инструменты для наращивания советского присутствия на новых территориях, среди которых было много стран с христианским, причём зачастую православным населением. [...] Судя по всему, он замыслил очень нетривиальную комбинацию, в которой большая роль отводилась церкви: она должна была упрочить политические и идеологические позиции Москвы в стратегически важном ближневосточном регионе и ряде восточноевропейских стран» [“It is clear that Stalin needed instruments to enhance the Soviet footprint in the new territories, among which there were many countries with Christian and often with Orthodox population. [...] It appears that he masterminded an untrivial combination with a big role planned for the Church: she had to strengthen political and ideological positions of Moscow in the strategically important region of the Middle East and in a number of East-European countries”].

Stalin, took it sympathetically and stated that the government would not impede it. (Stalin 1943: 5)²⁰³

The bishops were “deeply touched” by this “compassionate attitude”²⁰⁴ and said that in return they would increase their participation “in the liberation of the homeland” (Obrashchenie 1943a).²⁰⁵ The Russian Church used the chance, which, considering the war, could be the last one. Moreover, she adopted an *Appeal of the Bishops’ Council of the Russian Orthodox Church to all Christians of the World* (Обращение Собора епископов Русской Православной Церкви ко всем христианам мира) (Obrashchenie 1943b). Its analysis reveals the terms and conditions put forward by the Kremlin and accepted by the ROC leaders as part of the “restoration” process. Its message can be summed up as follows: fascism brings devastation and death all over; Hitler tramples upon Christian ideals and freedom of Christian churches; this war is a war to save centuries-old shrines; the Red Army is the Russian national army; Christians of the world must unite against Nazi Germany and help open the Second Front in Europe.

Without a doubt, it is the last point which is the main target of the appeal. The wording of the document demonstrates a certain merger of the notions “Christian” and “Soviet”; and the Red Army is sensationally called “our native Russian Red Army,”²⁰⁶ alluding to the Russian past earlier condemned by the Bolsheviks. To stress the fact that the USSR supports Christianity, represented by the Russian Orthodox Church, the document points to the election of the Patriarch.²⁰⁷ Considering the famous appeal of Stalin to “brethren and sisters” in 1941, this symbolism calls for attention. Besides, as the final ecclesiastical accord, the ROC Council officially condemned those of the clergy and laymen who were collaborating with

203 «Во время беседы Митрополит Сергей довёл до сведения Председателя Совнаркома, что в руководящих кругах Православной Церкви имеется намерение в ближайшее время созвать Собор епископов для избрания Патриарха Московского и всея Руси и образования при Патриархе Священного Синода. Глава правительства товарищ И. В. Сталин сочувственно отнёсся к этим предположениям и заявил, что со стороны правительства не будет к этому препятствий».

204 «Глубоко тронутые сочувственным отношением».

205 «Мы приумножим нашу долю работы в общенародном подвиге за спасение родины».

206 «Наша родная русская Красная Армия».

207 In turn, the *émigré* ROCA “condemned the Moscow sobor and the patriarchal election of Sergii” at a conference in Vienna, held in October 1943 (Kalkandjieva 2015: 192). Besides, ROCA leaders stressed “the need to fight communism” (*о необходимости борьбы с коммунизмом*) (Shkarovskii 2007: 215).

the Nazis within the occupied territories, and adopted a canon, excommunicating them: “Anyone who is guilty of betrayal of the common cause of the Church and who joined the fascist side, as the enemy of the Lord’s Cross, shall be excommunicated; and a bishop or a priest shall be defrocked. Amen” (Osuzhdenie 1943).²⁰⁸

The ROC-state relationship during the World War II resulted in a series of pro-USSR declarations and discipline rulings by the ROC, portraying the fighting Soviet Union as a protector of traditional Christian values, as opposed to Nazi Germany. The Soviet leadership reckoned it timely to instrumentalize the ROC in its struggle for opening the second front in Western Europe (realized in June 1944), on the one hand, and for neutralizing collaboration of the local population with the Nazis in the occupied territories, on the other hand. As a precondition for it, the Kremlin let the ROC convene a Bishops’ Council to elect a Patriarch and normalize her ecclesiastical life. At that point, the Church and the state united their effort against the common threat. The church-state cooperation peaked out five years later, at the All-Orthodox Meeting of 1948 in Moscow.

4.3.2. The Stalinist Climax of 1948

After the World War II, in 1946, the ROC created a new department for external Church relations,²⁰⁹ whose head is often perceived as a successor of incumbent Patriarchs. One of the key tasks of the new structure was contacting Middle East communities, as well as targeting the Vatican as one of anti-Soviet centers (Gzgzian 2013).²¹⁰ This anti-Vatican and, along with it, anti-ecumenical stance reached its implementation in the celebrations of 1948, dedicated to 500 years

208 «Всякий виновный в измене общецерковному делу и перешедший на сторону фашизма, как противник Креста Господня, да числится отлучённым, а епископ или клирик – лишённым сана. Аминь».

209 Until 2000, the Department had the name *Отдел Внешних Церковных Сношений* (Department of External Church Intercourse). Thereafter, it was altered to *Связей* (Liaisons) due to a linguistic shift: in modern Russian, *сношения* brings about vulgar sexual associations. The English language has a similar challenge, when the word “intercourse” at present implies sexual relations as the first meaning, leaving the diplomatic aspect behind. Contemporary ROC leaders thus demonstrated their acute feeling of modernity.

210 «Во второй половине 1940-х Отделу выделялись колоссальные денежные средства для осуществления многочисленных контактов с ближневосточными патриархатами и церквями Европы, в том числе с инославными (например, англиканской). Кроме того, перед ним была поставлена масштабная задача – создать антиватиканский блок» [“In the second half of the 1940s, the Department was allotted huge funds to carry out numerous contacts with the Middle Eastern

of ROC's autocephaly. This year was the apogee of the external activities of the ROC after the Revolution of 1917 (Beglov/Vasil'eva/Zhuravskii 2008: 404). Representatives of the LOCs came to Moscow, although not all the delegations were headed by primates. In this connection, the proceedings of the Meeting were additionally published in the French language (Journal 1948). The initial plan of the Soviet state was to convene an Ecumenical Council and make the Moscow Patriarchate "Ecumenical" instead of Istanbul (Zubov 2010b: 246). In particular, in 1946, the Soviet government allowed the ROC to conduct a pan-Orthodox meeting in Moscow, one of whose further steps should have been preparation of an Ecumenical Council (Beglov/Vasil'eva/Zhuravskii 2008: 386). Modern researchers point out, however, that the goals of the ROC and the Soviet government were different, and the idea of Ecumenical Council was imposed upon the Church by the government (Beglov/Vasil'eva/Zhuravskii 2008: 387).²¹¹

The address of the Soviet government at the Moscow Meeting of 1948, delivered by colonel Georgii Karpov, head of the Department of ROC's Affairs (*Совет по делам Русской Православной Церкви*), created in September 1943, was full of tact and respect, calling the Meeting *Высокое Собрание* (*la Haute Assemblée*) (Karpov 1948: 11). This fact stands in radical contrast to the pre-War developments. Karpov characterized the relationship between the Church and the state in the Soviet Union as follows:

In the Soviet Union, 30 years ago, by the will of the people, the Church was separated from the state, and she enjoys absolute freedom in her internal life. The established relations between the Church and the State are also quite normal due to non-interference of the Church in political activities of the State and, on the other hand, due to non-interference of the State in internal Church life. (Karpov 1948: 11)²¹²

patriarchates and Churches of Europe, including heterodox ones (e.g., Anglican). Besides, it received a large-scale task – to create an anti-Vatican bloc”].

211 «Как видно из документов, цели Церкви и государства не совпадали. Московская Патриархия хотела провести совещание глав Поместных Церквей [...] для выработки единой всеправославной позиции по насущным вопросам современности, а государство спешило с созывом Вселенского предсоборного совещания, на котором должно было прозвучать предложение о созыве Вселенского Собора [...]» [“As it can be seen from the documents, the goals of the Church and state did not coincide. The Moscow Patriarchate wanted to convene a meeting of the primates of the LOCs [...] in order to work out a common pan-Orthodox position on the burning issues of modernity, whereas the state hurried to convene an Ecumenical pre-Council meeting, at which it should have been proposed to convene an Ecumenical Council”].

212 «В Советском Союзе 30 лет назад волею народа Церковь отделена от Государства и пользуется полной свободой в своей внутрицерковной жизни,

This message is correct if by the “non-interference in internal Church life” one understands the untouched Church doctrine and canonic structure. The Soviet state never coerced the ROC to alter her dogmas or structure for the sake of political interests. The Church in 1948 still believed in the resurrected Christ and was governed by bishops. That said, Karpov excluded from the non-interference issue the dilemma of whether the ROC should or should not recognize the applicable state of affairs in politics.

Patriarch Aleksii I spoke both of “enemies of Orthodoxy” (*враги Православия*) (Aleksii 1948a:7) and “enemies of the Russian people” (*враги русского народа*) (Aleksii 1948a: 10), which tropes are hardly imaginable in modern official rhetoric. They express, at least partially, both the Bolshevik legacy of the 1930s (cf. *враг народа*), as well as repercussions of the World War II times. The documents of the Meeting show whom the mentioned enemies imply. In his address to the delegates, Patriarch Aleksii I outlined four problems to be considered, two of them being technical issues, and two other falling into the category of “enemies”: the Vatican and its policies (Aleksii 1948b: 16); and ecumenism (Aleksii 1948a: 18–19).

Vatican-Orthodox relations received the following resolution, adopted from the then-Moscow perspective: the Vatican has distorted the Orthodox doctrine and has done great harm to the unity of the Church (Vatikan 1948: 23); the Roman Catholic Church is anti-Christian (Vatikan 1948: 24); the Roman Catholic Church has become a political organization, trying to forcefully convert Orthodox nations (e.g., Ukraine, Belarus) to Roman Catholicism; the Vatican policies are directed against interests of the labor class; the Vatican is a center of international fascism and one of inciters of the past world wars; “all Christians, irrespective of race and confession, cannot but stigmatize the policy of the Vatican as anti-Christian, anti-democratic, and anti-national” (Vatikan 1948: 24).²¹³ The political component of this ecclesiastical resolution is self-evident. Besides, it stands in contrast to contemporary friendly relations between the ROC and the Vatican.

а установившиеся взаимоотношения между Церковью и Государством являются вполне нормальными, благодаря невмешательству Церкви в политическую деятельность Государства и, с другой стороны, невмешательству Государства во внутрицерковную деятельность».

213 «Все христиане, без различия наций и вероисповеданий, не могут не заклеить за это политику Ватикана, как антихристианскую, антидемократическую и антинациональную».

On the other hand, the Meeting adopted a resolution condemning ecumenism, as it was unfolding at the time, and rejected participation at the World Council of Churches (Ekumenizm 1948: 27). In the final appeal to Christians of the world, the Meeting called upon them to help stop the coming threat of a new war capable of wiping off the entire human civilization:

Children, babes in Christ, babes of the Holy Church of all continents, peoples, and states; Christians of the entire world! Let us not close our eyes, akin to ostriches, in the face of manifestation of new human hatred, let us not plug up our ears in the face of the rabid uproar of a new war. Nobody can call in question that imperialists, big and small, terrorists, dictators, and man-haters of all kinds have put on the role of inciters and preparators of a new crazy human self-extermination, whose final will be the end of culture and sense of life. (Obrashchenie 1948: 32)²¹⁴

“A new war” implied a looming nuclear conflict, since the USA were already in possession of such weapons and even destroyed two Japanese cities by them, whereas the USSR was still working on their development. The defenseless position of the Soviet Union urged it to seek ways to divert the threat. In this connection, even Orthodox Church channels were instrumentalized (Shkarovskii 2010: 5).²¹⁵ This initiative coincided with the 500th anniversary of ROC’s autocephaly. The Soviet leadership allowed the ROC to invite as many world Orthodox leaders as possible. In return, the Soviet government utilized the ROC’s influence. The Meeting of 1948 turned out to be less representative²¹⁶ and more complicated than planned, when, for example, the Constantinople Patriarchate and the Church of Hellas agreed to participate in the celebrations, but refused to consider

214 «Дети, чада Христовы, чада Святой Церкви всех материков, народов и государств, христиане всего мира! Не будем закрывать глаза подобно страусу перед надвинувшимися проявлениями новой человеческой ненависти, не будем затыкать уши перед бешеным рокотом новой войны. Никто не станет оспаривать, что империалисты, большие и мелкие, террористы, диктаторы и человеконенавистники всех видов взяли на себя сатанинскую роль подстрекателей и подготовителей нового сумасшедшего человеческого самоистребления, финалом которого будет конец культуры и смысла жизни».

215 «До 1948 г. Советский Союз не располагал ядерным оружием, и сталинское окружение для реализации своих далеко идущих планов вынуждено было использовать другие средства, в том числе небезуспешно и церковные каналы» [“Until 1948, the Soviet Union had no nuclear weapons, and the Stalin’s milieu, in order to realize its far reaching plans, had to use other instruments, including, quite successfully, the Church channels”]. The USSR tested its first nuclear bomb in August 1949.

216 «В Москву приехали делегации 11 автокефальных Церквей из 13» (Shkarovskii 2009) [“Out of 13 autocephalous Churches, delegations of 11 LOCs came to Moscow”].

the proposed documents (Zubov 2010b: 246–247), because of “ecumenical” ambitions of the Constantinople Patriarchate that had sensed a rival in the ROC (Kalkandjieva 2015: 321, 326).

It has been noted that the event managed to gather top hierarchs of only those Churches that either were under the influence of Communist regimes or received significant subsidies from Moscow, such as the Patriarchate of Antioch (Pospelovskii 1995: 264). Besides, nobody spoke of Ecumenical Council at the Meeting (Beglov/Vasil’eva/Zhuravskii 2008: 407). Some researchers see in it the reason why the USSR lost its acute interest in the ROC thereafter (Pospelovskii 1995: 264).²¹⁷ Shkarovskii (2009) draws a broader picture.²¹⁸ Along with these judgments that deserve our attention, developments in the newly created (in 1949) People’s Republic of China, where the Moscow Patriarchate ordained the first Chinese Orthodox bishop (of Shanghai) in 1950 (Beglov/Vasil’eva/Zhuravskii 2008: 424), and plans to create the Chinese Autonomous Orthodox Church (Beglov/Vasil’eva/Zhuravskii 2008: 423) should be taken into account. Besides, in October 1948, Stalin signed a permission for the ROC to set her foot in Israel and renew the Russian Orthodox Mission in that region (permitted by the Israeli authorities), interrupted by the Revolution of 1917 (Beglov/Vasil’eva/Zhuravskii 2008: 411–412). Based on these arguments and the adopted resolutions of the Meeting, three of which were political and one of which directly targeted the nuclear threat,²¹⁹ it seems productive to highlight the Soviet nuclear bomb project as the applicable frame: Moscow was able to test its own nuclear bomb in 1949, thus, finally, reaching parity with Washington. The threat of a new war was averted, and the Church agenda became less important for the USSR, although the Soviet government continued to instrumentalize the ROC on the international arena (Pivovarov 2017: 210; Chumachenko 2002: 120; cf. Gorbachev 1988: 74–75). Overall, the years between 1943 and 1948

217 «На наш взгляд, не сумев стать “православным Ватиканом”, Московская патриархия потеряла своё значение в глазах Сталина» [“In our opinion, having failed to become ‘an Orthodox Vatican,’ the Moscow Patriarchate lost its meaning in the eyes of Stalin”].

218 «Потерпели крах все “средиземноморские” планы И. Сталина в Греции, Турции, Израиле, и соответственно, не так нужны стали восточные православные иерархи» [“All ‘Mediterranean’ plans of I. Stalin in Greece, Turkey, Israel had failed, and therefore, the Middle Eastern Orthodox hierarchs were no longer as topical as before”].

219 «Все решения совещания заранее получили санкцию партийного руководства» (Shkarovskii 2009) [“All the resolutions of the meeting had been approved beforehand by the [Communist] Party leadership”].

were the peak of cooperation between the ROC and the state in the Soviet era (Shkarovskii 2010: 5).

The modern ROC has privately overridden the then-Orthodox resolution concerning the “heresy” issue: according to Metropolitan Ilarion, person number two in the hierarchy of the ROC, by 2010 the ROC no longer applied the term “heresy” to the Roman Catholic Church (Ilarion 2010: 4). The ROC is also involved in the World Council of Churches. Some of the 1948 resolutions have lost their topicality due to historical reasons. However, the document on the Vatican apostasy formally remains in force, as it pertains to dogmatic issues.

It could be argued that the Meeting and its decisions took place under harsh political circumstances, under control of the Soviet government, *et cetera*. However, dogmatic and canonic rulings of the Ecumenical and other Church Councils were adopted in the context of their time, including political interference (cf. Ferme 2007: 88). Hence, public and political circumstances always play an important role in Church life. Nonetheless, in canon law, the adopted decisions survive the context of their adoption and become absolutized (unless revoked or amended). By overriding the Orthodox authority displayed in 1948, the ROC leaders demonstrated their flexible modern attitude to the canonic discipline of the Orthodox Church as inapplicable in the new circumstances.

4.4. The 1000 Years Jubilee of the ROC (1988)

In the early 1980s, the ROC had around 6700 parishes, and Moscow alone had just 46 acting temples (Zubov 2010b: 536). In 1988, the number of parishes amounted to 6893, out of which over 4000, or 58%, were in Ukraine (cf. section 6.4.5), and only 2062, or 30%, were in the Russian Federation (Pospelovskii 1995: 409).

Against this background, the ROC in 1988 initiated celebrations dedicated to 1000 years of the baptism of Russia. The initiative of such celebrations belonged to Valentin Falin, first expressed in 1986, but officials of the Communist Party perceived it rather coldly (Falin 2013: 68–69).²²⁰ However, later, the situation changed radically. On April 29, 1988, ROC leaders were invited to the Kremlin for a meeting with General Secretary of the Soviet Communist Party, Mikhail Gorbachev. Outlining the history of church-state relations in the Soviet Union, Gorbachev suggested support for the coming jubilee of the ROC in exchange for

220 At the time, Falin headed the state media agency *Novosti*. Previously, he had served as a Soviet ambassador to Germany. Later, he headed the International Department of the Central Committee of the Communist Party.

a “favor.” Stressing the peace-making role of the ROC in the past, he asked for another “effort” during the celebrations:

Let the guests, invited to the jubilee celebrations, and all believers of the planet see the peace-loving aspiration of the Soviet people. The utmost benefit of humankind is to live in peace, to never have fear before the coming nuclear war, to be confident in the future of their children. We hope that the effort applied to achieve this boon will also find support in the Church, *from whom we are expecting new positive steps in defending the issue of peace*, in her peace-making activities. On the eve of the historical event for the Russian Orthodox Church, I am wishing you [...] new success in all affairs targeting the benefit of man and the preservation of peace on earth! (Gorbachev 1988: 75)²²¹

Patriarch Pimen took the floor with a thankful reply (Pimen 1988a: 75).²²² In his speech before the Soviet leaders, Pimen referred to the treaty on elimination of nuclear missiles signed between the USSR and the USA in December 1987 (Dogovor 1987). At another meeting with Andrei Gromyko, then Chairman of the Presidium of the Supreme Council, and former Minister of Foreign Affairs of the USSR (1957–1985), who underlined the importance of the Church for the process of peace and disarmament (Gromyko 1988: 107), Pimen reiterated the

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- 221 «Пусть увидят приглашённые на юбилейные торжества гости, все верующие люди планеты миролюбивые стремления советского народа. Высшее благо для человечества – жить в мире, никогда не испытывать страха перед грядущей ядерной войной, быть спокойными за будущее своих детей. Прилагаемые усилия к достижению этого блага, надеемся, найдут поддержку и у Церкви, *от которой мы ждём новых позитивных шагов в отстаивании дела мира*, в её миротворческой деятельности. В канун исторического для Русской Православной Церкви события желаю вам [...] новых успехов во всех делах, направленных на благо человека, на сохранение мира на земле!». (Italics mine).
- 222 «Процесс перестройки оказывает благотворное влияние на рост международного авторитета нашей Родины. Его с энтузиазмом воспринимают в Церквях мира, и мы способствуем этому, разъясняя религиозным людям значение и цель обновления жизни нашего общества. Успех перестройки мы видим в том, что провозглашённые нашей страной идеалы безъядерного и ненасильственного мира начали получать своё претворение в жизнь. *Мы горячо приветствуем советско-американский Договор о ликвидации ракет двух классов*» [“The perestroika process positively influences the growth of international authority of our Homeland. It is enthusiastically perceived in the Churches of the world, and we encourage it by explaining to the religious people the meaning and the purpose of the renewal of life in our society. We see perestroika’s success in the fact that the ideals of a non-nuclear and non-violent world, announced by our country, are being implemented. *We warmly welcome the Soviet-American Treaty on the elimination of the two-range missiles*”]. (Italics mine).

ROC's commitment: "We shall do everything to help further develop the Soviet-American cooperation in the field of nuclear disarmament, which received a new strong impulse during the recent summit in Moscow" (Pimen 1988b: 108).²²³

It is clear from the quoted documents that the Church and the state at that time found a balanced point of beneficial cooperation, whereby the ROC received the green light for her milestone celebrations, and the Kremlin once again instrumentalized the Church in the framework of its defense policy. The ROC, in turn, was ready to play her part of the cooperation, the more so because peacemaking required neither dogmatic interference from the state nor changes or innovations in the ROC.

4.5. The Evaluation of the Declaration of 1927 in 1990: a Step to Reunion

In 1990, after the demise of Patriarch Pimen, the ROC elected a new Patriarch, Aleksii II. The ROCA refused to recognize the election, referring to the "un-free" status of the Moscow Patriarchate in the Soviet Union. In return, the Local Council of the ROC issued a statement, elaborating on the Soviet era and the Declaration of 1927. The Council stressed that the said Declaration does not contain any doctrinal heresy: in 1927, it said, the Declaration appeared not unexpectedly and did not share "common interests" with the Bolshevik state in terms of spiritual life and moral values; moreover, Metropolitan Sergii promised only civil loyalty to the state as long as it did not jeopardize the Orthodox faith.²²⁴ Then, however, the ROC pointed out that, by 1990, the Declaration of 1927 had lost its canonic applicability (Vozzvanie 1990).²²⁵ The ROC leaders demonstrated

223 «Мы будем делать всё, чтобы помогать дальнейшему развитию советско-американского сотрудничества в области ядерного разоружения, получившего новый сильный импульс на недавней встрече в Москве».

224 Cf.: «Декларация, не будучи вероучительным актом, была документом политической лояльности высшей церковной власти советскому правительству и являлась необходимым условием для легализации церковного управления патриаршей Церкви» (Beglov/Vasil'eva/Zhuravskii 2008: 220) ["The Declaration, being not a doctrinal act, was a document of political loyalty of the supreme Church authority to the Soviet government. It was a *sine qua non* condition for the legalization of the Church governance of the patriarchal Church"].

225 «По этому поводу мы заявляем, что, отдавая дань глубокого уважения памяти Патриарха Сергия и с благодарностью вспоминая его борьбу за выживание нашей Церкви в тяжёлые для неё годы гонений, мы тем не менее вовсе не считаем себя связанными его Декларацией 1927 года, сохраняющей для нас

here that they could be flexible regarding Orthodox canon law once the context is changed. Their reaction to this particular issue was an open recognition of the new *status quo*. As we shall see, the incumbent ROC leaders apply some other tactics in dealing with canon law provisions that can no longer be applied in the modern context. Nevertheless, the statement of 1990 practically ended the Soviet chapter of ROC's history, connected with the church-state relations in the USSR. In December 1991, the Soviet Union collapsed.

значение памятника той трагической в истории нашего Отечества эпохи» [“On this matter, we have to state that, paying deep respect to the memory of Patriarch Sergii and thankfully remembering his struggle for the survival of the Church during the difficult years of the persecutions, *we nevertheless do not consider ourselves bound at all by his Declaration of 1927*, which preserves for us the meaning of an artifact of that tragic era in the history of our Homeland”]. (Italics mine).

5. The Canon Law on Relations with State and Society

In this section, I analyze the documents on external relations, adopted by the ROC after 1991. It is not always clear, however, who exactly stands behind concrete texts. The documents, at least, provide an initial approach to the problem, since they always indicate the year (and often month and date) of adoption and the Church authority that passed this or that provision. This is helpful. Nonetheless, it is often problematic to get to the second level of the approach and identify the persons who initiated, wrote down, and/or pushed through the respective provisions. For instance, in the case of the *Concept*, the background is clear, as we have a direct statement of Metropolitan Kirill (2007: 17–18), revealing some details of its preparation and publication. According to him, the work on the *Concept* began in 1994, when a working group consisting of 26 persons was organized, and it continued in cooperation with additional experts and public fora. Furthermore, I identified one of the authors of the canonical parts of the *Concept* by means of intertextuality: the latter were written by Vladislav Tsypin, a leading ROC canon law specialist. This conclusion is based on *verbatim* texts in the *Concept* and in Tsypin's monograph on canon law (Tsypin 2012). For instance, Concept 2008: III.4 and Tsypin 2012: 771–791 are in many respects identical. In turn, the *Concept* borrowed some information from the relevant Roman Catholic social teaching (Agadjanian 2014: 123)²²⁶ and works of some Protestant authors (Afanašev 2007: 127).²²⁷

226 “The Roman Catholic ‘Social Doctrine’ was clearly a source of inspiration for the authors of the Russian document.”

227 «В этом документе среди других имеются разделы, посвящённые трудовым отношениям, вопросам собственности, проблемам глобализации экономики. При их подготовке авторы руководствовались словами Священного Писания и Предания, были использованы труды христианских богословов и мыслителей, важные положения социального учения Католической Церкви, работы протестантских богословов и учёных» [“In this document, there are *inter alia* sections dedicated to labor relations, property issues, problems of globalization of economy. In their preparation, the authors were guided by the words of the Holy Scripture and Tradition; they also used works of Christian theologians and thinkers, important provisions from the social doctrine of the Roman Catholic Church, and works of Protestant theologians and scholars”].

The adoption and publication of the ROC provisions has certain gaps, for instance, between 1992 and 1994, between 1994 and 1998, between 2000 and 2004. These gaps should not be understood to signify that the ROC did nothing in the meantime. Besides the focus on internal affairs, the situation suggests a logical explanation: for example, 1993 was a year of civil conflict in Russia that led the Church authorities to a reevaluation of the church-state relationship in the following year. The near-silence before 2000 can be explained by the intense preparation of the comprehensive *Concept*, as well as canonization materials on the last Russian Tsar. Respectively, the gap thereafter finds its logic as a pause after the *Concept* that had covered “enough” issues for that time. The silence on external affairs between 2008 and 2011 is substantiated by the demise of Patriarch Aleksii II and election of Kirill, who needed some time to reorganize the management of the Moscow Patriarchate. In 2011, there began a new era of external canon law publications, marked by the launch of a collection of modern ROC canon law (see section 1.15). 2013 was productive in this respect, with many provisions adopted in February at the Bishops’ Council.

5.1. An Outline of the Cultural Program of the ROC (1992)

In March 1992, the Bishops’ Council of the ROC issued a special *Appeal to All who are “Far and Near”* (*Обращение Архиерейского Собора Русской Православной Церкви «ко всем ближним и дальним»*) (*Obrashchenie* 1992). The document briefly enumerates a relatively long list of problems identified by the ROC leaders and faced by post-Soviet people in general. It starts with a statement that the ROC in 1992 became a “Church of the poor”²²⁸ due to significant material problems.²²⁹ That said, the appeal is directed to authorities of the newly created

228 Cf.: «Всё время возрастал разрыв в положении верхних и нижних 10% населения, который во всём мире традиционно используют как главный показатель социальных контрастов. В 1991 г. этот разрыв составлял 4,5 раза, в 1992 г. уже 8 раз, к концу ельцинского периода достиг 15 раз [...]» (Zubov 2010b: 649) [“The gap between the 10% of the upper and lower strata of the population, which is traditionally used around the globe as an indicator of social contrasts, kept increasing. In 1991, this gap amounted to 4.5 times; in 1992, it totaled 8 times; and by the end of the Yeltsin era, it reached 15 times [...]”].

229 «Церковь наша материально слаба, как и народ наш. Она стала Церковью бедных» [“Our Church is materially weak, just as our nation is. She has become a Church of the poor”].

post-Soviet countries that make up one canonic territory of the Moscow Patriarchate.²³⁰

The independence of the former USSR republics is recognized as a new political reality. Nonetheless, the document attempts to debunk the circulating charges that the ROC as a supranational structure in the former Soviet republics carried an “imperial dream” that would impede the new elites from detaching from the influence of Moscow.²³¹ What the Church leadership was concerned about in this respect was the bloodshed and armed conflicts that accompanied the formation of some of the new nation states, such as the conflicts in Transnistria, Abkhazia, and South Ossetia. The Council appealed to the acting post-Communist authorities to stop the feud and enmity and take care of all ethnic groups in their countries. The ROC’s document further pointed out that, because of the split-up of the Soviet Union, many people had found themselves in dire straits both in terms of safety, as national minorities, and poverty.²³² If the new authorities kept disregarding these problems, the suffering would spill over onto the whole society, stated the ROC. Speaking of the conflicts, it should be noted that, in the mentioned areas, there lived either many Orthodox believers or people with respective cultural codes for whom Orthodoxy was not just a label, the very fact of their living on these territories being an imperial legacy.²³³

230 «Составляющих каноническую область нашей Церкви» [“Making up the canonic area of our Church”].

231 «Знайте, что Церковь наша – не противница нового государственного устройства, не “имперская структура”» [“You should know that our Church is not against the new state order, and that she is not an ‘imperial structure’”].

232 «Но нас печалит, что становление национальной государственности осложняется внутривнутриполитическими и межнациональными конфликтами, приводящими порой к пролитию крови. [...] Сироты и инвалиды, пожилые люди и многодетные семьи, безработные и те, кто покинул обжитые места не по своей воле, должны быть окружены заботой» [“However, we are saddened by the fact that the creation of national statehood is aggravated by internal political and ethnic conflicts, resulting sometimes in bloodshed. [...] Orphans and disabled people, aged people and families with many children, unemployed and those who were forced to leave the inhabited places must be surrounded by care”].

233 According to Brubaker, the background of the problem was as follows: “The Soviet, Yugoslav and Czechoslovak regimes deliberately constructed their constituent republics as national polities ‘belonging’ to their respective eponymous nations [...]. Ethnocultural nations were given ‘their own’ political territories, but not the powers to rule them. They institutionalized a sense of ‘ownership’ of the republics by ethnocultural nations, but limited its political consequences. [...] With the breakup of these multinational states, the sense of ethnonational entitlement and ownership of

Religion was singled out as a factor in play. The ROC was concerned about the influx of “occult doctrines” (*окультные учения*) that aimed at filling in the spiritual void of the post-atheistic countries. This concern stresses the situation as “detrimental experiments about one’s own personality.”²³⁴ Believers (probably not only Orthodox, but in general those belonging to the “traditional confessions”),²³⁵ on the contrary, are declared to possess highly positive qualities in this regard, being “primordial carriers of the moral law input in humans from above.”²³⁶ As such, continues the Council, they can contribute to the interethnic prosperity in the newly created states and fend off the external religious “invasion.”

The ROC’s document identifies her clear nonpartisan political position, as standing above the “the right and the left.”²³⁷ It points out that there were public forces wanting to feed on the Church’s authority or use her as a medium to proliferate a certain agenda. The ROC underlines in this regard that her mission in the world is soteriology,²³⁸ which does not preclude her from cooperation with a wide spectrum of political movements, except *a priori* criminal ones.²³⁹ The “communist past” of the Church is addressed with precautions: it is emphasized that archives have to be studied first. The patchwork information is not the correct way of judging others.

The issue of the overall information policy of the ROC was singled out: Church leaders were concerned about how centralized corporate ROC messages were neglected by the media in favor of some private statements, often without ecclesiastical affiliation. Besides, the document points to the problem of moral responsibility of the mass media that exploit “eroticism and pornography” for the sake of commercial profiting and contribute to destroying family values. The document also sketchily touches on the topics of ecology and welfare economy, reminding one

national territory persists, but is now joined to substantial powers to rule” (Brubaker 1996: 431).

234 «Опасные эксперименты над собственной личностью».

235 The context of the document is not entirely clear, although the suggested interpretation seems to be accurate.

236 «Исконные хранители нравственного закона, вложенного Богом в сердца человеческие».

237 «Она [Церковь] – над “правым” и “левым”».

238 «Миссия Церкви – это служение Господу, спасение душ человеческих, проповедь Евангелия среди людей» [“The mission of the Church is in serving God; in saving human souls; in preaching the Gospel to the people”].

239 «[Церковь] может вести диалог с любыми общественными движениями, кроме заведомо преступных» [“[The Church] can dialogue with all public organizations, except *a priori* criminal ones”].

that the earth is to be taken care of and that the benefit of society depends, *inter alia*, on the appropriate attitude to labor. Along with it, “cultural heritage” is mentioned, albeit mostly in terms of Church’s property confiscated by the Communists.

In general, the entire post-Soviet society should change and get rid of the totalitarian baggage.²⁴⁰ Every person has to alter, both cleric and lay, because only *metanoia* can save society from repeating mistakes of the past. Moreover, if so, the renewal will start from the Church and spread over to society.²⁴¹

Hence, already in 1992, the ROC viewed herself as a leading public force in Russia and in other republics of her canonic territory.²⁴² The times were harder than thought of, however, and the ROC hardly had resources. Nevertheless, the first document of post-Soviet canon law vividly outlined the ROC’s cultural program. It was indeed bits and pieces, not even in broad strokes, yet the project *per se* was made evident: in 1992, the ROC showed interest in many public aspects of modern life, with a quest for influencing them in accordance with her soteriological perspective.

5.2. An External Religious Challenge and a Reciprocal Mission of the ROC (1994)

In late 1994, the ROC Bishops’ Council adopted a document *On Pseudo-Christian Sects, Neopaganism, and Occultism* (*О псевдохристианских сектах, неоязычестве и оккультизме*), consisting of 16 items. In 2014, it was republished in *Deiatel’nost’ 2014*. Considering the twenty years and the changes that occurred between the two dates, it is especially interesting.

The first paragraph begins with a statement portraying the early 1990s in apocalyptic images, as characterized by numerous “false prophets” (*лжепророки*) and “predatory wolves” (*волки хищные*) (Sekty 2014: 1). This is a metaphoric description of organizations that came to the post-Soviet space (Sekty 2014: 5)²⁴³

240 «И Церкви, и обществу надо освободиться от наследия тоталитаризма» [“Both the Church and the society must get rid of the legacy of totalitarianism”].

241 «С духовного обновления каждого сердца под действием Духа Святого начнётся обновление Церкви, обновление общества» [“A renovation of the Church and the society will begin with a spiritual renovation of each heart under the action of the Holy Spirit”].

242 This stance had its grounds: “In the uncertain socio-economic conditions of post-Soviet Russia, many Russians looked to the Orthodox Church for guidance” (Knox 2010: 2).

243 «К несчастью, в наших странах появились свои лжепророки, руководящие, в частности, так называемыми “Собором новой Святой Руси” (Богородичным

and “disturbed” the post-Soviet people who were eyed by the ROC as potential Orthodox parishioners (cf. Beglov/Vasil’eva/Zhuravskii 2008: 689).²⁴⁴ The second paragraph generalizes the context, arguing that “attacks on the Church”²⁴⁵ represent a repeated phenomenon throughout history. In other words, the modern wave of aggression should be tackled as something typical. Paragraph three states that the present time is a time of spiritual crisis and “comprehensive secularization.”²⁴⁶ Hence, the ROC at the time identified secularization as a problem. On the other hand, the newly created post-Soviet nation states survived atheism, which fact brought about the post-Soviet spiritual void (Sekty 2014: 1). Although the document specifically focuses on new sects and para-Christian movements, the context is noteworthy. It was a time after the collapse of the

центром), “Белым братством”, “Церковью последнего завета” (группой лжехриста Виссариона). Возродились язычество, астрология, теософские и спиритические общества, основанные некогда Еленой Блаватской, претендовавшей на обладание некоей “древней мудростью”, сокрытой от непосвящённых. Усиленно пропагандируется “Учение живой этики”, введённое в оборот семьёй Рерихов и называемое также “Агни-йогой”» [“Unfortunately, in our countries there have appeared local false prophets, in particular, managing the so-called ‘Council of New Holy Rus’ (Center of the Mother of God), ‘The White Brotherhood,’ ‘The Church of the Last Covenant’ (a group of Vissarion, a false Christ). Revived are paganism, astrology, theosophy, and spiritualistic societies founded in the past by Elena Blavatskaia who pretended to possess some sort of ‘ancient wisdom’ concealed from the uninitiated. The ‘Teaching of Living Ethics,’ introduced by the Roerich family, is being actively propagated, and it is also known as ‘Agni-Yoga’”].

244 «[Патриарх Алексий II] крайне негативно оценил деятельность зарубежных инославных миссий на канонической территории Московского Патриархата. Святейший Патриарх отметил, что в условиях, когда государство практически не принимает мер, чтобы защитить духовно-культурную идентичность народа, вся тяжесть борьбы за его духовное здоровье ложится на Церковь» [“[Patriarch Aleksii II] highly negatively evaluated the activities of foreign heterodox missions on the canonic territory of the Moscow Patriarchate. The Most Holy Patriarch pointed out that, given that the state was doing virtually nothing to protect the spiritual and cultural identity of the nation, all the difficulty of the struggle for its spiritual health was borne by the Church”].

245 Cf.: «В 1990-е гг. Московский Патриархат стал объектом агрессии со стороны крайних протестантских и тоталитарных сект» (Shkarovskii 2010: 419) [“In the 1990s, the Moscow Patriarchate became an object of aggression of radical Protestant and totalitarian sects”].

246 «В наши дни народы земли находятся в состоянии духовного кризиса, в условиях всесторонней секуляризации [...]» [“In our days, the peoples of the planet are in a state of spiritual crisis, under comprehensive secularization [...]”].

post-World War II world order based on the political balance of forces, represented by the USSR and the USA, whose abolition left a distinct feeling of loss and emptiness, on the one hand, and brought new hopes, on the other hand.

The end of the USSR resulted in military conflicts, the Russian Federation included. The ROC witnessed a competition of rival religious organizations that wanted to market the new landscape. Interestingly, the ROC's document accuses them not only of "waging a war" against Orthodoxy, but also of conflicting with the existing public institutions in Russia (Sekty 2014: 4).²⁴⁷ Paragraph six mentions their public "sacrilege" (*кощунство*) and "perjury" (*лжесвидетельство*), and foreshadows the problematics of later developments connected with the trial of the punk band *Pussy Riot*, the adoption of the canon provision on public blasphemy (see Bogokhul'stvo 2011), and the law on "hurting religious feelings" (cf. Zakon 2013b).

One of accusations in the document connected with the described religious organizations is that they "sneak into secular schools and universities" and "disseminate literature printed in the West" (Sekty 2014: 8).²⁴⁸ However, if secularization represents a problem for the ROC, why would the ROC care about secular facilities? Undoubtedly, it is so because the ROC had plans to "cultivate" the secular space and eventually turn it into post-secular. Another thing is that the ROC's document underlines not so much the contents of the books disseminated, but

247 «Эти движения целенаправленно подрывают многовековые традиции и устои народов, вступают в конфликт с общественными институтами, объявляя войну Церкви» ["These movements purposefully undermine long-century traditions and foundations of nations, conflict with public institutions, and declare a war to the Church"].

248 «Проповедники лжерелигий используют самые различные формы для расширения сферы своего влияния: открыто выступают в средствах массовой информации, в концертных залах, в домах культуры и на стадионах; распространяют литературу, напечатанную на Западе и у нас; организуют свои издательства; открывают школы и курсы; финансируют обучение молодых людей за рубежом; оказывают населению гуманитарную помощь, которая сопровождается пропагандой их воззрений; проникают в светские школы и высшие учебные заведения» ["Preachers of the false religions use various forms to broaden the sphere of their influence: they openly preach in the mass media, in concert halls, in houses of culture and at [sports] stadiums; they disseminate literature printed both in the West and here; they organize their own publishing enterprises; they open schools and courses; they finance the studying of youth abroad; they provide humanitarian aid to the population that goes along with the propaganda of their doctrines; they sneak into secular schools and tertiary education institutions"]. (Italics mine).

the fact that they were published in the West. These features characterize the ROC in 1994 as being highly wary of Western modernity, and they hark back to the then-recent “iron curtain” outlook. Nevertheless, the encountered phenomenon was said to threaten the cultural identity and the traditional order of things in the country, which was “shaped under the influence of the ROC” (Sekty 2014: 9). This approach to the Soviet period as to a certain break in the natural development of Orthodoxy is similar to the view that communism created a break in the natural development of secularization in Russia (see section 1.6).

After all, concluded the ROC, the post-Soviet people who shared the teaching of the said religious organizations, “have excommunicated themselves from the Church” (*отлучили себя от Православной Церкви*) (Sekty 2014: 13). This is a strict canonic ruling akin to ancient canons, testifying to the seriousness of the problem for the Church. That strictness notwithstanding, the ROC called upon her faithful to resist members of the new organizations in a tolerant way and not consider them “enemies”; and to pray for the “enlightenment of those possessed by the false doctrines” (Sekty 2014: 15, 16). The topic received its continuation in the Council’s document substantiating the need for a relevant Orthodox mission in post-Soviet society, one of whose incentives was the religious competition in the 1990s (Missiia 1994).²⁴⁹ The provision briefly outlines the fields of potential missionary activities, many of which were later covered by fully-fledged documents.

In general, the ROC acknowledged the multifaceted character of post-Soviet society, which fact must be considered in her missionary effort.²⁵⁰ Along with

249 «Особенно тревожит то, что духовной дезориентированностью наших соотечественников пользуются бесконтрольно действующие в наших странах инославные и нехристианские проповедники, отрывающие от Матери-Церкви души людей, принявших в ней Крещение или связанных с ней историческими и культурными корнями. Опасение вызывает также стремление вовлечь духовно неопытных людей в сети тоталитарных сект, псевдорелигий, оккультных учений и даже групп сатанистов» [“It is especially disturbing that heterodox and non-Christian preachers, acting in our countries in an uncontrolled fashion, take advantage of the spiritual disorientation of our countrymen, tearing away from the Mother Church the souls of the people who were baptized in her or who are connected with her via historical and cultural roots. Concerns are also caused by the desire to get spiritually inexperienced people involved in the snares of totalitarian sects, pseudo-religions, occult movements, and even groups of Satanists”].

250 «Православная миссия должна учитывать многоликость современного общества, необходимость особого подхода к различным профессиональным и культурным группам» [“The Orthodox mission must consider the multiformity

this stance, however, the provision mentions “victims of urbanization and modern technical civilization.”²⁵¹ That said, the Council did not bother to explain who the victims of urbanization are and why they are victims. Whatever is the meaning, it is clear that urbanization and modern technology were perceived by the ROC’s bishops, who live mostly in urban areas, and the Moscow Patriarch’s office being located in the huge capital city, as a scary, yet inevitable, element of modernity.

In 1994, the ROC spoke about refugees and migrants.²⁵² In 2014, the problem was tackled in a special provision (see section 5.27). Economy and ecology were singled out as well, considered in 2000 and then again in 2013, respectively (see sections 5.6.6 and 5.19). Besides, the provision mentions “social groups of risk”²⁵³ and the problem of imprisonment that also found their fuller expression in 2005 and 2013 (see sections 5.8 and 5.22). Another noteworthy feature outlined in the document was the need to contribute to culture, arts, and sciences.²⁵⁴ For instance, in 2000, the *Concept* included an item dedicated to the importance of national culture for Russian Orthodoxy (see section 6.4.5). The armed forces were not left out in limbo either, and, in 1995, the ROC created a department of cooperation with the military and other special forces (see section 3.8). These points, outlined in the early 1990s and later followed by a detailed consideration in “big” documents, in some cases two decades thereafter, laid out the cultural program of the ROC.

5.3. The Principles of Cooperation with State and Society (1994)

At the same Council of 1994, the ROC came up with the *Relations between Church, State, and Secular Society on the Canonically Defined Territory of the Moscow Patriarchate at Present* (О взаимоотношениях Церкви с государством и светским обществом на канонической территории Московского Патриархата

of modern society and the need of a special approach to various professional and cultural groups”].

251 «Жертвы урбанизации и современной технической цивилизации».

252 «Забота о бедных и угнетённых людях, беженцах, мигрантах, безработных и лишённых крова» [“Taking care of poor, oppressed, unemployed, and homeless people, refugees and migrants”].

253 «Социальные группы риска».

254 «Важной частью миссионерского служения Церкви должен стать её вклад в культуру, искусство, науку и иные области народной жизни» [“An important part of the Church’s mission should become her contribution to culture, art, science, and other fields of national life”].

в настоящее время), in which the ROC identified three equal public actors: Church, state, and society.

The ROC deemed it correct, at that point of time, not to give preference to any form of statehood, political doctrine, or politician (Opredelenie 1994: 2).²⁵⁵ This statement distances the Church from a direct political involvement, on the one hand, and allows her to demonstrate practical flexibility when need be, on the other hand. It can be assumed that this approach was especially dear to those bishops with the voting right who witnessed the bloody standoff between President Boris Yeltsin and the Russian Parliament in 1993, when the ROC represented by Patriarch Aleksii II tried to serve as an intermediary, conducting negotiations with both conflicting parties, though unsuccessfully.

Furthermore, the ROC may not publicly support political parties, unions, *et cetera*, as well as individual activists. The more so, the Council extended the resolution of the Holy Synod concerning the clergy's refraining from being elected, adopted *ad hoc* on October 8, 1993, a few days after the bloodshed in Moscow, onto the entire jurisdiction of the ROC (Opredelenie 1994: 3).²⁵⁶ We can speculate that, if the standoff between the Parliament and President Yeltsin had ended peacefully, the ROC's provision would have been more pro-election. This argument shows the importance of an earthly context in the history of the "eternal" Church: earthly matters may eventually lose their topicality, but adopted provisions remain and attain an air of sacredness that may not be broken.

Thus, in 1994, the ROC clergy were prescribed to refrain from participating in election campaigns as candidates, and membership in political parties and other organizations was expressed by the modern canonic euphemism "highly

255 «Особо подчеркнуть правильность того, что в *нынешних* сложных общественных условиях Патриарх и Священный Синод твёрдо говорят о *непредпочтительности* для Церкви какого-либо государственного строя, какой-либо из существующих политических доктрин, каких-либо конкретных общественных сил и их деятелей, в том числе находящихся у власти» ["To especially stress the correctness of the fact that, in the *present* complicated circumstances in society, the Patriarch and the Holy Synod firmly speak about the *non-preference* for the Church of any form of statehood, of any of the existing political doctrines, of any concrete public force [party] and its activists, including those in power"]. (Italics mine).

256 «Распространить действие этого Определения на участие в будущем священнослужителей Русской Православной Церкви в выборах любых органов представительной власти стран СНГ и Балтии как на общегосударственном, так и на местном уровне» ["To apply this Resolution in the future to the participation of clerics of the Russian Orthodox Church in elections of all organs of representative power in the CIS and the Baltics, both at national and local level"].

undesirable,” although participation in concrete events was permitted if it does not express public support. The engagement of Orthodox laymen in politics was left intact.

Compared to the sketchy point on “cultural heritage,” expressed in 1992, the 1994 document contains a list of claims regarding legislative initiatives that had to be undertaken in order to return Church’s property and shrines. Another interesting point is a claim to tax-free activities of all ROC structures²⁵⁷ and introduction of tax privileges for those entities that provide charitable assistance to the ROC. In general, the ROC was daring enough to demand an overhaul of the early post-Soviet *status quo*. Besides, the document approved of the peacemaking efforts of the Patriarch in October 1993 and pointed them out as a model of relations with the state,²⁵⁸ stressing the nonpartisan and impartial attitude to all conflicting parties.

The document singled out “life, health, and dignity” of the “countrymen” (that is, mostly ethnic Russians) in the former Soviet republics, impinged on by the painful economic and political transformations. The notion of human dignity turns up here long before the special provision of 2008. In 1994, the dignity issue was connected to sufferings of ethnic Russians and other native Russian speakers closely related with Russian culture who often were made “secondhand” persons in the new nation states. At the time when there were no public voices for protection of ethnic Russians outside the Russian Federation, the ROC turned out to be the only significant public actor in the post-Soviet public space (albeit, a weak one) to act accordingly. Moreover, the ROC Council put forward this aspect of external Church relations as “the most important” of all activities in the future.²⁵⁹ This situation, already in the early 1990s, displayed features of an emerging post-secular society in post-Soviet Russia.

257 «Освобождение канонических церковных учреждений, созданных ими предприятий и организаций от всех видов налогов» [“Exemption of canonic Church departments, as well as entities and organizations created by them, from all taxes”].

258 «Считать полезным продолжение такой деятельности в дальнейшем, особенно в случае возникновения в обществе опасных противостояний» [“To consider the continuation of such activities hereafter useful, especially in case of dangerous conflicts in society”].

259 «Имея в виду вышесказанное, расценивать постановку данных проблем перед государством и обществом как важнейшую сторону церковно-общественного служения» [“Considering the above, raising this problem before state and society shall be deemed the most important aspect of the public mission of the Church”].

In the same vein, the document turns to relations with the armed forces and correctional facilities. Repeating concerns about the “cult of violence and pornography” in the mass media, this time defined as “exploitation of pseudo-culture of the sexual instinct,”²⁶⁰ the document, apart from the development of the Church media, encouraged an active cooperation between the ROC and the secular media in order to achieve an “objective, fair, complete, and friendly” image of the Church.²⁶¹ In addition, she wanted to reach out to heads of secular media corporations.²⁶² The new media were not yet available, and television was deemed the most influential medium. As we can see, the ROC’s media strategy was already in the making (cf. section 5.18).

Thus, the resolution can be characterized as a pithy canon law document, which contains the cultural program of the ROC in finer detail and demonstrates a certain growth of internal potential of the ROC. The conflict between the two branches of state power in Russia left its imprint in the provision regarding elections and political parties. It also initiated the development of the *Concept*, which was adopted in 2000.²⁶³

260 «Эксплуатация псевдокультуры полового инстинкта».

261 «Объективное, правдивое, полное и благожелательное освещение в средствах информации учения, духовно-исторического наследия и жизни Православной Церкви».

262 «Поручить довести эту точку зрения Собора [...] до руководителей ведущих телерадиокомпаний России, а архипастырям из стран СНГ и Балтии до руководства телерадиокомпаний этих стран» [“To order to bring this point of view of the Council [...] to CEOs of the leading Russian TV companies; and the hierarchs from the CIS countries and the Baltics shall bring it to heads of TV companies in these countries”].

263 «Имея в виду предстоящий созыв Поместного Собора Русской Православной Церкви, а также растущую потребность клира и паствы во всеобъемлющей концепции, отражающей общецерковный взгляд на вопросы церковно-государственных отношений и проблемы современного общества в целом, поручить Священному Синоду создать рабочую группу для выработки проекта такого документа с последующим представлением его на обсуждение Поместного Собора» [“Keeping in mind the coming Local Council of the ROC, as well as the growing need of the clergy and flock of a comprehensive concept reflecting the Church’s point of view on the issues of church-state relations and problems of modern society in general, the Holy Synod is thus ordered to create a working group in order to work out a draft of such document with a follow-up presentation thereof for discussion at the Local Council”].

5.4. Religious Fundamentalism and Post-Religious Sanity (1998)

Between 1994 and 1998, there were no changes in the external agenda of the ROC. The Church was focused on internal issues, marked in particular by a series of high-profile excommunications at the Bishops' Council of 1997 (Beglov/Vasil'eva/Zhuravskii 2008: 711). After this pause, one of the most interesting documents of the post-Soviet ROC became the provision *On Frequent Cases of Abuses, by Some Pastors, of Power Given to Them from God to Bind and Loose* (Об участившихся случаях злоупотребления некоторыми пастырями вверенной им от Бога обязанности вязать и решить). Despite its seemingly internal character, it touches on a few conceptual approaches that were further developed a few years later, demonstrating that rejection of some fundamentalist approaches was in place before the adoption of now-famous concepts. The subject matter here is a collision between religious fundamentalism, taken by a significant number of priests and monks at face value as a manifestation of authentic Orthodox tradition,²⁶⁴ on the one hand, and the acceptance of modernity by the ROC leadership, on the other hand.

The document, in the first part, lists threats that the ROC was facing in the 1990s from the mentioned "traditionalists." The main problem was identified as specific "spiritual guidance of the flock,"²⁶⁵ in the form of "unlimited priestly authority over the souls of parishioners,"²⁶⁶ when the latter were ready to fulfill almost any "spiritual" piece of advice.²⁶⁷ In Russian Orthodox parlance, such

264 «Волна деятельных неофитов захлестнула Церковь, привнося своё понимание церковности, часто искажённое, начётническое, экзальтированное. Незнание традиции, исторического и богословского наследия Церкви, радикализм и ригоризм стал неизбежными следствиями массового крещения и массового же вынужденного рукоположения в духовенство лиц, не получивших систематического богословского образования» (Zubov 2010b: 722) ["A wave of active neophytes overflowed the Church, bringing in their own understanding of ecclesiasticism, often twisted, formalistic, ecstatic. The ignorance of tradition, of historical and theological heritage of the Church, as well as radicalism and rigorism became inevitable implications of mass baptism and of forced and mass ordination of persons who had no systematic theological education"].

265 «Духовное руководство паствой».

266 «Безраздельная власть над душами людей».

267 «Народ после десятилетий государственного атеизма искал духовного утешения, руководства, назидания старчества. Но подлинных духоносных старцев было мало (как и всегда), а на приходах и в монастырях, в условиях утраты

priests and monks are called *младостарцы*,²⁶⁸ that is, “young elders” (cf. Knox/Mitrofanova 2014: 53). The document, on the contrary, stressed that relations between priests and parishioners must be based upon mutual trust and respect (Zloupotreblenie 2014: 98). Analyzing the situation, the document concluded that the mentioned clergy and monks metonymized the purely monastic, and very limited, practice of unquestioning obedience and unreasonably applied it to Orthodox laymen (Zloupotreblenie 2014: 98)²⁶⁹ who live in the modern world of secular reasons. Such methods of guidance were called “inadmissibility” (*недопустимость*) (Zloupotreblenie 2014: 98). Such obedience outside monasteries can lead to social tragedies because the laymen who suffered tend to generalize their personal problems and blame the Church *per se* (Zloupotreblenie 2014: 98).

The specifics of the condemned spiritual guidance are as follows. The ROC's document noted that some ghostly advisors “declared secular marriage invalid”²⁷⁰ and even demanded its rescission if the spouses lived together without a prior Church marriage ceremony (Zloupotreblenie 2014: 99). In the latter event, secular marriage was “equated to fornication,”²⁷¹ and the spouses were not allowed to take Communion as great “sinners” (Zloupotreblenie 2014: 99). Such priests also insisted on marriage rescission if one of the spouses had not been baptized

монашеских и духовнических традиций, росло число молодых пастырей, требовавших от пасомых беспрекословного послушания» (Zubov 2010b: 722) [“The people, after years of state atheism, were looking for spiritual comfort, navigation, and instruction by elders. However, the true spiritual elders were few (as always); and in parishes and monasteries, stipulated by the loss of monastic and advisory traditions, young pastors were increasing in number, demanding unconditional obedience from the flock”].

268 «Подчас, при отсутствии у этих пастырей должного духовного опыта и образования, подобная практика приводила к печальным последствиям, вплоть до психических расстройств. Это явление получило название “младостарчество” и было осуждено Церковью как искажение церковной традиции» (Zubov 2010b: 722) [“Sometimes, due to the lack of proper spiritual experience and education of these pastors, this practice resulted in sad consequences, including mental disorders. This phenomenon was called ‘young eldership,’ and it was condemned by the Church as a perversion of ecclesiastical tradition”].

269 «Переносят сугубо монашеское понятие беспрекословного подчинения послушника старцу на взаимоотношения между мирянином и его духовным отцом».

270 «Объявляют незаконным гражданский брак».

271 «Отождествляя таковой брак с блудом».

in Orthodoxy (Zloupotreblenie 2014: 99). Some monks forbade marriage *per se* and coerced their parishioners to take the monastic vows, basing their opinion on the premise that the single life of monks is “higher” than family (Zloupotreblenie 2014: 99). On the other hand, the spiritual advisors forbade divorce irrespective of circumstances (cf. section 6.4.2); besides, they coerced single parishioners to marry only those people whom they recommended, even if the potential partners were total strangers (Zloupotreblenie 2014: 99). Apart from the marriage and family issues, the advisors would forbid access to medical services or participation in elections (Zloupotreblenie 2014: 99). They believed that secular education was “unnecessary” or even “detrimental,” standing on the way to “salvation” (Zloupotreblenie 2014: 99; cf. section 1.5). Finally, a few priests created parish communities centered on their personality with a negative attitude to the ROC leadership, other priests, or parishes (Zloupotreblenie 2014: 99). It is noteworthy that, indulging in these practices, *младостарцы* are said to violate both secular law and the right of every Christian to make independent decisions (Zloupotreblenie 2014: 99). This is “inadmissible” (Zloupotreblenie 2014: 100–101). Moreover, the ROC’s document refers to ancient canon law (in particular, the Council of Gangra of the 4th century C.E.) that anathematized the condemnation of marriage and the “pride” over those who live “a simple life” (Zloupotreblenie 2014: 100–101).²⁷²

In this resolution, the ROC leaders rejected religious fundamentalism of Orthodox “traditionalists.” It is consistently underlined that Orthodoxy can be rational and compatible with secular reasons. It follows, hence, that the leadership of the ROC in 1998 displayed a post-religious attitude to modern life, whereby the internal disciplining reflected external challenges.

272 «Подчеркнуть недопустимость негативного или высокомерного отношения к браку, напомнив всем священнослужителям правило 1-е Гангрского Собора: “Аще кто порицает брак и женою верною и благочестивою, с мужем своим совокупляющеся, гнушается, или порицает оную, яко не могущую внити в Царствие, да будет под клятвою”. Особо подчеркнуть, что принятие монашества является делом личного выбора христианина, и не может совершиться “по послушанию” тому или иному духовнику» [“To emphasize the inadmissibility of the negative or arrogant attitude to marriage, reminding all priests of Rule 1 of the Council of Gangra: ‘If someone condemns marriage and disdains a faithful and devout wife who has sexual intercourse with her husband, and condemns her as incapable of entering the Kingdom, he shall be anathematized.’ To emphasize especially [the fact] that monkhood is a matter of a personal choice of a Christian person, and that it cannot take place ‘in obedience’ to this or that spiritual advisor”].

5.5. Technology and “Digital Antichrist” (2000)

In 2013, the Kremlin granted political asylum to Edward Snowden, an American secret service IT specialist with access to classified databases, who revealed the global digital surveillance by the United States and vulnerability of modern societies saturated with various media applications and software. This revelation corroborated the fear that the state as the end beneficiary can abuse power and use digital technology as a means of control over politicians, businesses and citizens, their plans, private lives, and freedoms.

After the collapse of the Soviet Union, a part of the Russian Orthodox community encountered the advent of digital technology with apocalyptic concerns. In particular, the Orthodox community was stirred by the idea that new digital identification documents would have a barcode containing the apocalyptic number “666” in its graphic design (Shevkunov 2001),²⁷³ whose acceptance would imply a denial of Christ and the end of the world (INN 2001). Moreover, popular opinions claimed that, if the state deprived its citizens of an alternative means of accounting, such as habitual paper-based documents, the “true Orthodox” should flee from civilization into the forests. Modernity turned in the eyes of Orthodox “traditionalists” into a sort of “digital Antichrist.”²⁷⁴ The situation was dangerous, and the leadership of the ROC had to come up, in March 2000, with a resolution called *Respecting the Feelings of Believers, Keeping the Christian Sobriety of Mind* (*Уважать чувства верующих. Хранить христианское*

273 «Появилось целое богословие, которое тиражируется как в СМИ, так и в огромном количестве листовок, книг, брошюр, аудиокассет. Епископ Тульский Кирилл недавно рассказал мне, что во все храмы Тульской епархии пришло множество бесплатных бандеролей, полных листовок, брошюр, газет, аудиокассет, посвящённых борьбе с ИНН. То же самое в Вологодской, в Марийской, во многих других, если не во всех епархиях» [“There appeared a separate theology, circulated by the mass media and a huge number of leaflets, books, brochures, audiocassettes. The Bishop of Tula, Kirill, told me recently that all temples of the Tula diocese had received plenty of free parcels full of leaflets, brochures, newspapers, and audiocassettes dedicated to fighting the INN. The same is applicable to Vologda, Marii, and many other dioceses, if not to all of them”].

274 Cf. the statement from the newspaper *Сербский Крест* (2001, № 2 (51)), quoted in Kuraev 2001: «Строится всемирное антихристово царство, в котором каждому уже заготовлены вместо имени номер, вместо паспорта чип, а вместо души её электронная тень» [“The global kingdom of Antichrist is being built, in which everyone will get a number instead of name, a chip instead of passport, and a digital shadow instead of soul”].

трезвомыслие), tackling the barcode problem and digital accounting in general (Trezvomyslie 2000). This resolution reflected the standoff between religious fundamentalism and modernity, discussed above.

The Holy Synod described the fear in milder terms than it appeared in reality: one had to see the burning eyes of some Orthodox in order to understand the boiling sentiment of the time. The official wording was that some believers feared total control of the state over personal matters.²⁷⁵ Besides, the problem connected with the so-called INN, or Individual Taxpayer Number (*индивидуальный налоговый номер*), that caused most of the apocalyptic fears (cf. Knox/Mitrofanova 2014: 54), was described in a misleading way, as “many Christians believe it to be beneath their dignity” to have another – digital – name.²⁷⁶ Here, the notion of human dignity turns up again as an argument. In reality, the gist of the problem differed from the canon law discourse: it was not about additional digital names, but the apocalyptic worldview connected with digital technology, whereby the barcode came to the fore. However, the ROC leaders attempted to downplay the situation:

Some documents contain or will contain a barcode – a representation of digits of various thickness. Each of these codes includes three lines that graphically coincide with the symbol normally used for digit “6.” Hence, according to the will of creators of the international system of their encryption, barcodes carry the image of the number “666” mentioned in the Book of Revelation of St. John the Theologian as the number of Antichrist (Rev 13: 16–18); and therefore, it is utilized by *satanic* sects to *insult* the Church and Christians. (Trezvomyslie 2000)²⁷⁷

The document puts it as an “insult of religious feelings” by “satanic sects,” turning the situation into a relatively harmless misunderstanding in the field of human

275 «Опасаются тотального контроля власти над частной и общественной жизнью человека» [“Are afraid of total control of authorities over private and public life of man”].

276 «Считают недостойным просить у государства, чтобы оно присвоило им некое новое “имя” в виде числа» [“Deem it beneath their dignity to ask the state to grant another new ‘name’ in the form of a number”].

277 «В некоторых документах содержится или будет содержаться штрих-код – изображение чисел в виде линий разной толщины. Каждый из этих кодов заключает в себе три разделительные линии, графически совпадающие с символом, принятым для цифры “6”. Таким образом, в штрих-кодах, по воле создателей международной системы их написания, заключено изображение числа 666, которое упомянуто в книге Откровения святого Иоанна Богослова как число антихриста (Откр 13: 16–18), а посему используется *сатанинскими* сектами для *оскорбления* Церкви и христиан». (Italics mine).

rights. The epithet “satanic” is hardly fearful in this context, because in the ROC discourse, it is connected with a petty mischief towards Christians. The language of the ROC here has a traditional apparel, bearing a different meaning: the Orthodox prone to the rhetoric of “traditionalists” would read the “fearful” words, yet they may come to different conclusions.

In addition, continues the document, many IT specialists claim that digits “6” were not the only possible variants of the barcode, so “666” looks like an insulting and alarming image for Christians. The ROC leadership can understand these concerns of believers,²⁷⁸ yet it appeals to them to keep the “sobriety of mind.”²⁷⁹ The document appeals to human rights, namely, to the right of believers to live in accordance with their religious convictions.²⁸⁰ That notwithstanding, believers should not be afraid of external signs, because it depends on the free will of man whether or not to give up Christ.²⁸¹ Some “young elders” warned their parishioners that they should not accept the INN or they would be banned from Communion. In the language of ancient canon law, this ban implies excommunication. One of the reasons of this practice was a popular belief that the acceptance of the sign automatically results in separation from Christ.²⁸² Indeed, this is a pattern of pagan thinking. The ROC’s document condemns the “elders” in this respect and calls their reasoning a “superstition,” which is not founded on Orthodox tradition.

At the same time, the ROC looks for a compromise and appeals to state authorities to be reasonable and mitigate the social tensions by providing an alternative way of accounting. To make her call effective, the ROC points to norms of secular law that are binding for state power: “The Holy Synod *reminds the state*: according

278 «Беспокойство, порождаемое у вас действиями власти, разделяется церковным Священноначалием» [“Your concerns, generated amongst you by the actions of the authorities, are shared by the hierarchy of the Church”].

279 «Хранить христианское трезвомыслие».

280 «Речь идёт о защите права верующих жить в соответствии со своими религиозными убеждениями» [“It is about protection of the right of believers to live in accordance with their religious convictions”].

281 «Никакой внешний знак не нарушает духовного здоровья человека, если не становится следствием сознательной измены Христу и поругания веры» [“No external sign can ruin the spiritual health of man, if it is not a consequence of an on-purpose denial of Christ and profanation of faith”].

282 «Иногда утверждают, что технологическое действие якобы может само по себе произвести переворот в сокровенных глубинах человеческой души, приводя её к забвению Христа» [“Sometimes it is argued that technological action could *ipso facto* generate a revolution in the innermost depths of human soul, leading it to giving up Christ”].

to the norms of secular law, in particular the Constitution of the Russian Federation, the gathering, saving, and using of the information concerning private personal life, without his/her prior agreement, is forbidden (Article 24).”²⁸³ The Holy Synod was concerned about the absence of public access to state tax and other databases containing personal information, which could be potentially misused. On the other hand, the ROC leaders felt independent enough to inform the state of the fact that there is a significant Orthodox actor in the post-Soviet public space. The more so, the ROC extended her claims to the international dimension and spoke up in favor of the religious-social domestication and even shaping of technology.²⁸⁴

We call upon the authorities of Russia and other CIS countries, in which the Orthodox are a dominant population, to raise the question of removing the blasphemous symbol from barcodes by altering the *international* system of signs encryption. If this be impossible, we deem it necessary to create an alternative *national* electronic language. (Trezvomyslie 2000)²⁸⁵

Here, the ambitions regarding the Russian Orthodox vision of some aspects of modern life, albeit not yet formed as a fully-fledged model, are seen clearly. On top of that, the ROC demonstrated her nation-state thinking by suggesting a national alternative, while the Russian authorities were rather pro-globalist. The ROC also pushed the buttons of the modern civilization by bringing up the notions of “civil equality” and “freedom of conscience.”²⁸⁶ The document argued

283 «Священный Синод напоминает государству: согласно нормам светского права, в частности, российской Конституции, сбор, хранение и использование информации о частной жизни лица без его согласия не допускается (Статья 24)». (Italics mine).

284 Cf. the concept of the “religious-social shaping of technology” in Campbell 2010: 58.

285 «Призываем власти России и других стран СНГ с преобладающим православным населением поставить вопрос об устранении из штрих-кодов кошунственного символа путём изменения *международной* системы написания соответствующих знаков. Если же это будет невозможно сделать, считаем необходимым создание альтернативного *национального* электронного языка». (Italics mine).

286 «Вскоре люди, не имеющие налогового кода или пластиковой карточки, могут оказаться практически лишены возможности получать социальную и даже медицинскую помощь. Если подобное произойдёт, возникнут все основания усомниться в принципах равноправия граждан и свободы совести – принципах, которые так активно пропагандирует современная цивилизация» [“Soon, the people who have no tax code or plastic card can be deprived of the possibility to get social and even medical aid. If this happens, there will appear all grounds to

that these “sacred” principles would be subject to doubt if the citizens were deprived of access to healthcare and other social services because of the INN. This argumentation is naïve, yet it shows how the ROC leaders perceived the pillars of modernity in the 1990s. I use the word “naïve” because there is a distance between the said notions and the actual concern of the state. The state reacts only when it senses a real threat: for instance, if the INN caused street riots in the major cities of the country, or if the world powers imposed sanctions connected with a breach of the mentioned principles. Nevertheless, the emphasis on these values is a telling feature of ROC canon law.²⁸⁷

As the last accord in the argumentation chain, the ROC referred to the then-recent communist past, warning the authorities of potential disloyalty of Orthodox co-citizens who would be forced to make a distinction between their Homeland and the state, thus splitting up civil society, if the state turned – again – into a persecutor of their faith (Trezvomyслие 2000). The state is reminded of the “heavy” communist past in connection with the private sphere, which must not be controlled by the state (Trezvomyслие 2000).²⁸⁸ It should be noted that the locution “the crimes of the 20th century” had much stronger connotations in 2000 than it has today. On the other hand, “feelings of believers” is a modern phenomenon. The “intrusion into conscience” presented the Russian Federation as an equally severe persecutor of the Orthodox faith as the Soviet Union was. This comparison is a more sensitive argument than the appeal to freedom, and it was definitely not in favor of the post-Soviet authorities of Russia.

doubt the principles of civil equality and freedom of conscience – the principles that are being so actively propagated by the modern civilization”].

- 287 Consider in this regard the following statement in the document: «Именно поэтому мы настаиваем на необходимости иметь альтернативную систему учёта граждан и предоставления им социальных, медицинских, страховых и прочих услуг» [“That is why we insist on the necessity of having an alternative system of accounting of citizens and granting insurance, social, medical, and other services”].
- 288 «Подлинное покаяние за преступления, совершенные в XX веке против верующих, совершится тогда, когда государство будет неизменно уважать чувства верующих и не станет вторгаться в человеческую совесть» [“A true penance for the crimes committed in the 20th century against believers will only then take place, when the state starts respecting the feelings of believers and does not intrude into human conscience”].

5.6. The Canon Law of *The Bases of the Social Concept* (2000)

5.6.1. Transfiguration as a General Task (2000)

The resolution of 1994 concerning the development of a comprehensive social concept of the ROC came to its fruition in 2000, when the Bishops' Council passed *The Bases of the Social Concept of the Russian Orthodox Church* (Основы социальной концепции Русской Православной Церкви), along with a document about non-Orthodox Christians. It has been noted that, until 2000, no other LOC had had a similar doctrine (Richters 2013: 19). Its overall character was assessed as “theological-pragmatic” (Kostjuk 2001: 192). It is inevitably “too general” (Kostjuk 2001: 196), although this feature rather reflected the desire of the ROC leaders to provide a commensurate “response to the widespread religious illiteracy in post-communist Russia” (Richters 2013: 22).²⁸⁹

Being a pithy and voluminous document, the *Concept* contains some chapters pertaining to external Church relations. In general, the *Concept* aims at “transfiguring” state and society (Concept 2008: I.2)²⁹⁰ and sees the Orthodox Church, interacting with the world, not as a purely mundane institution, but as a certain “mysterious plethora” (таинственная полнота) (Concept 2008: I.2), which is called to “transfigure and purify the world” (Concept 2008: I.3).²⁹¹ It is argued that this mission is possible only as a *sobornyi* service (Concept 2008: I.2), because gifts are various, but the “Lord is one” (Concept 2008: I.3). Interestingly, different language versions of the *Concept* provide different interpretations. The Russian original speaks about *соборное служение*, rendered in English as “conciliar service” (Bases 2000) and in Modern Greek as καθολική διακονία (Arches 2000a). The Greek version has a pithy meaning, since both καθολική and διακονία, even if used as secular terms, reflect the ecclesiastical background. The Russian wording highlights the official understanding of *соборный* as “conciliar,” as opposed to “catholic” (cf. section 6.1.3).

According to the ROC, the world “lies in the [power of the] evil one” (cf. 1 Jn 5: 19), and it can and should be purified and transfigured by a synergy of the Head

289 However, there is an opposite understanding of the *Concept*: „Die Sozialdoktrin ist weniger eine Antwort auf die Herausforderungen der Zeit als vielmehr eine Herausforderung für die orthodoxe Kirche selbst“ (Kostjuk 2004: 76). Both are worth attention.

290 «Благодатное преобразование и очищение мира».

291 «[м]ир, социум, государство [...] предназначены к преобразению и очищению [...]» “[t]he world, socium, and state [...] are to be transformed and purified [...]” (Bases 2000: I.3)].

of the Church, Jesus Christ, and his Body; that is, in cooperation with the Orthodox Church (Concept 2008: I.2). In addition, since the Church is “convened” (see section 3.1), this calling reminds one of the actual mission thereof – the Church is the convention, which all humans are called upon to enter. It is therefore “inadmissible” that the faithful shun the external world (Concept 2008: I.3). Further, the Orthodox Church interacts with the world through her preaching and deeds; and, for that sake, she cooperates with the state even if the latter is not Christian. The Church hopes that this cooperation will lead those involved in it to Christ, as well as help promote Christian values in society (Concept 2008: I.4).

Moreover, the *Concept* claims the state is an “object of divine love” (Concept 2008: I.3).²⁹² This is a doubtful statement. If it had “society” instead, it would imply people, united by mutual relationships, who must be saved. As such, people can exist irrespective of state power. In the Christian paradigm, I do not see what state is imaginable in the life to come, except the Kingdom of Heaven, which has nothing to do with the earthly forms of statehood. Hence, the *Concept’s* prescription concerning the “divine love” to the state rather betrays a camouflaged attempt of the ROC leaders to “propose themselves” to the powers that be. It also reflects the fascination of the authors of the document with the idea of statehood.

5.6.2. The “Civil Disobedience” Strategy (2000)

We saw from the earlier documents that the ROC is ready to cooperate with the secular state. However, if this cooperation be not possible, the ROC reserved a right to call on her faithful for civil disobedience, that is, for a public conflict with authorities. This provision became one of the most compelling canonic resolutions since the fall of the Soviet Union,²⁹³ whereas the *Concept* on the whole aroused

292 «Участие христианина в ней [жизни] должно основываться на понимании того, что мир, социум, государство являются объектом любви Божией, ибо предназначены к преобразению и очищению на началах богозаповеданной любви. Христианин должен видеть мир и общество в свете его конечного предназначения, в эсхатологическом свете Царства Божия» [“Christian participation in it [life] should be based on the awareness that the world, socium and state are objects of God’s love, for they are to be transformed and purified on the principles of God-commanded love. The Christian should view the world and society in the light of his ultimate destiny, in the eschatological light of the Kingdom of God” (Bases 2000: I.3)].

293 Cf.: „Eine ‚Revolution‘ birg auch die Formulierung eines Widerstandsrechts, was in dieser Form auch zum ersten Mal in der orthodoxen Geschichte vorkommt“ (Kostjuk 2005: 140).

little public attention, especially compared to the canonization of the Royal family (Uertz 2001: 134). The *Concept* contains the following substantiation:

If the authorities coerce Orthodox believers to apostatize from Christ and His Church and to commit sinful and spiritually harmful actions, the Church should *refuse to obey* the state. [...] If the Church and her holy authorities find it impossible to obey state laws and orders, after a due consideration of the problem, they may [...] appeal to her faithful for peaceful civil *disobedience*. (Bases 2000: III.5)²⁹⁴

Although “denial of Christ” is a comprehensible figure of religious speech, the “sinful and spiritually harmful actions” require a translation into secular language. Basically, “translation” can imply a wide range of meanings. The quoted paragraph is quite reserved, given that it was a relatively early document of the modern ROC. In this regard, the canon law red lines, discussed herein, “decipher” and fill in the above thesis with concrete content.

The disobedience clause had a specific goal. After the collapse of the USSR, the Moscow Patriarchate set for itself a strategic objective to achieve a reunion of the Russian Churches, the ROC and the ROCA. In order to do it, Moscow had to dispose of three fundamental obstacles from the ROCA’s point of view. The Declaration of 1927 was one of them, and the ROC denounced its applicability in 1990 (see section 4.5). Further, the ROC had to prove her otherness in terms of the communist past, and she did it through the canonization of the royal Romanovs, who were already canonized by the ROCA. The royal canonization was an important proof of the anti-Bolshevik position of the ROC. The third point had to demonstrate a readiness to resist the state when need be. As a result, by 2000, the ROC fulfilled all the preconditions: she canonized the last Russian Tsar and adopted the *Concept*, which contained a provision on civil disobedience.²⁹⁵ The latter was relatively easy to adopt, given the past persecutions of the Church in the Soviet Union, as well as the then-recent and bloody coup of 1993, when the ROC had attempted to intermediate the peace process. The strategic reunion of

294 «Если власть принуждает православных верующих к отступлению от Христа и Его Церкви, а также к греховным, душевредным деяниям, Церковь должна *отказать* государству в повиновении. [...] В случае невозможности повиновения государственным законам и распоряжениям власти со стороны церковной Полноты, церковное Священноначалие по должном рассмотрении вопроса может [...] обратиться к своим чадам с призывом к мирному гражданскому *неповиновению*» (Concept 2008: III.5). (Italics mine).

295 Cf.: „Das ‚Nichtgehorsamkeitsprinzip‘ war auch eine wichtige Voraussetzung für die Vereinigung der Auslandskirche mit dem Moskauer Patriarchat“ (Hagemeister 2016: 26).

the ROC and the ROCA took place in 2007 (Akt 2007), when the latter was convinced of the respective “correct” changes in Moscow. Since then, the Moscow Patriarchate attained a transatlantic and indeed global footprint. The disobedience clause has never been applied by the ROC. Ostensibly, the relations between the Church and the Kremlin under the rule of Vladimir Putin are complementary enough to keep this provision on paper. However, its application remains a theoretical possibility and serves as a reminder to the state that the modern ROC is a significant public actor with effective leverage.

5.6.3. Political Election Revisited (2000)

In 1994, the ROC clergy were prescribed to “refrain” from election to organs of representative power. However, “refraining” is a soft word in canon law, and the topic was reiterated in the *Concept* in stricter terms. Referring to previous resolutions on the subject matter, the Church reformulated the restriction for the clergy as “are not allowed” (Concept 2008: V.2).²⁹⁶ Richters pointed out that the contents of the document “do not affect the ROC’s political behavior” and that the quoted prohibition was violated in practice (Richters 2013: 20). In particular, Metropolitan Agafangel of Odessa ran for the regional parliament on several occasions, in 2006 and in 2010, thus disregarding the *Concept* (Richters 2013: 20). In so judging, Richters overlooked a legal loophole in the same provision, carved out for special cases,²⁹⁷ albeit it was noticed, for instance, by Uertz (2001: 167). In

296 «Невозможно участие церковного Священноначалия и священнослужителей, а следовательно и церковной Полноты, в деятельности политических организаций, в предвыборных процессах, таких, как публичная поддержка участвующих в выборах политических организаций или отдельных кандидатов, агитация и так далее. Не допускается выдвижение кандидатур священнослужителей на выборах любых органов представительной власти всех уровней» [“It is impossible for the Church’s Supreme Authorities and for the clergy, hence for the plenitude of the Church to participate in such activities of political organisations and election processes as public support for the running political organisations or particular candidates, election campaigns and so forth. The clergy are *not allowed* to be nominated for elections to any body of representative power at any level” (Bases 2000: V.2)]. (Italics mine).

297 Following the general prohibition, the *Concept* stipulates that «решение об участии или неучастии священнослужителей в политической деятельности принималось и должно приниматься исходя из потребностей каждой конкретной эпохи, с учётом внутреннего состояния церковного организма и его положения в государстве» [“[t]he decision of the clergy to participate or not to participate in political activities was made and should be made depending on the needs of a

2011, the ROC made another (third) attempt to approach the election issue, this time making explicit exceptions to the general rule (see section 5.12).

5.6.4. The Inter-Christian Interaction (2000)

Along with the *Concept*, the ROC adopted a document on relations with non-Orthodox Christians, providing a background for the *Concept's* position on inter-Christian marriage (see section 5.6.5). The cooperation of the Moscow Patriarchate with heterodox Christians received the following ecclesiological backing: although the non-Orthodox are not in the Church and their communities are not the Church, there remains a certain “incomplete communion” between the Orthodox Church and the heterodox churches. The latter are seen as not entirely deprived of God’s grace (Inoslavie 2008: 1.15), although the ROC cannot define their status unambiguously (Inoslavie 2008: 1.16). The ROC refers to the three forms of reception of the non-Orthodox (baptism, chrismation, and repentance), whose application depends on the situation in the said communities (Inoslavie 2008: 1.17). For instance, Roman Catholics are accepted through repentance, whereas believers of some other denominations should be baptized first. The history of this attitude is complicated and controversial, including simultaneous contradictory practices in different LOCs.²⁹⁸ It is also obvious that there is no concerted position on the “dialogue” among the LOCs. At the same time, the ROC insists that cooperation with the non-Orthodox must not breach certain red lines, expressed so strongly that they attain a canonic bearing. Namely, the provision envisages the following limitations:

The Russian Orthodox Church cannot participate in international (regional and/or national) organizations, whose a) statute, regulations or procedure require a denial of the doctrine or traditions of the Orthodox Church; b) in which the Orthodox Church has no possibility to testify of herself as of the One Holy Catholic and Apostolic Church; c) in which the way of adoption of resolutions does not consider the ecclesiological self-identification of the Orthodox Church; d) and in which regulations and procedures require, as mandatory, an “opinion of majority.” (Inoslavie 2008: 5.2)²⁹⁹

particular period and the internal condition of the church organism and its place in the state” (Bases 2000: V.2)].

298 For details, see Heith-Stade 2010.

299 «Русская Православная Церковь не может участвовать в международных (региональных/национальных) христианских организациях, в которых а) устав, правила или процедура требуют отказа от вероучения или традиций Православной Церкви, б) Православная Церковь не имеет возможности свидетельствовать о себе как о Единой Святой Соборной и Апостольской Церкви,

The paragraph pertains to the Christian public sphere and is indicative of the ROC's readiness to cooperate with others. The Moscow Patriarchate admits the right of the non-Orthodox to have their own theology and traditions, and seeks the same inclusive attitude to the ROC. In other words, the ROC's position is based on the principle of reasonable coexistence. Once the conditions of the non-Orthodox organizations provide for the required minimum of cooperation, the ROC is ready to embrace them.

5.6.5. The Inter-Christian Marriage (2000)

A private case of the general approach to heterodox Christianity is a canonic provision concerning inter-Christian marriages, when the Orthodox marry people baptized in other Christian communities. The ROC's policy regarding marrying the heterodox reveals her modern character, because ancient canon law excludes such marriages (cf. Rule 72 of the Trullo Council).³⁰⁰ The ROC is well aware of this fact (Concept 2008: X.2). Nevertheless, at present, she behaves differently and does not conduct the Church wedding ceremony only for marriages with non-Christians, although recognizing their legality in the secular sense (Concept 2008: X.2). What is indeed surprising is that the ROC permits participation of non-Orthodox Christians in the Church wedding ceremony upon condition of raising their children in Orthodoxy (Concept 2008: X.2). The foundation of it is the ruling of the Holy Synod of 1721 under Petr I, whose "political" resolution allowed marriages of Russian Orthodox women with Swedish captives (Concept 2008: X.2).

We can see that the Russian practice contradicts the ancient canon quoted. Moreover, the ROC's economy is based on the recent local tradition that *de facto* rejects the pre-modern tradition, and the ROC does not even try to explain the contradiction. In other cases, the ROC dodges the ancient canonic heritage while simultaneously declaring her formal compliance with it (see section 6.4.6). Logically, there arises the following question: if the Church so easily alters her approach to ancient canon law, does she remain "the Church of the Apostles" as she claims to be (cf. section 5.9)?

в) способ принятия решений не учитывает эклезиологического самосознания Православной Церкви, г) правила и процедура предполагают обязательность "мнения большинства».

300 "Μὴ ἐξέστω ὀρθόδοξον ἄνδρα αἰρετικῇ συνάπτεσθαι γυναικί, μήτε μὴν αἰρετικῶν ἀνδρὶ γυναικα ὀρθόδοξον συζεύγνυσθαι" ["An Orthodox man may not take a heretic woman, nor may an Orthodox woman be coupled with a heretic man"].

5.6.6. Labor, Economy, and Reason (2000)

The *Concept* states that material benefits cannot make people happy and that a pursuit of wealth can result in a spiritual degradation (Concept 2008: VII.2). In this respect, the connection between economy and soteriology is a direct one. At the same time, the ROC admits (alluding to Mt 19 and Mk 10) that this connection is not absolute and that rich people do have a possibility to “enter the Kingdom of God” (Concept 2008: VII.2).³⁰¹ In any way, in order not to scare away rich sponsors, the ROC cannot afford judging otherwise. After proposing this “carrot” (that to be rich is not a sin), the ROC then hints at the “stick” (that one has to support the Church materially).

Instead of the word “economy,” the ROC prefers the term “labor” (*труд*), which is declared “an organic element of human life” (Concept 2008: VI.1).³⁰² When labor is “pleasing to God,” it is highly “valuable”; on the contrary, a pursuit of self-satisfaction is not “God-pleasing” (Concept 2008: VI.4).³⁰³ In this context, the ROC in the 1990s saw a serious conflict of interests with the modern technocratic civilization because the latter creates plenty of “achievements” that lead people “away

301 «Трудно богатому войти в Царство Небесное... удобнее верблюду пройти сквозь игольные уши, нежели богатому войти в Царство Божие» (Мф 19: 23–24). Евангелист Марк уточняет, что в Царство Божие трудно войти именно тем, кто уповает не на Бога, а на материальные блага, – “надеющимся на богатство” (Мк 10: 24)» [“A rich man shalt hardly enter into the kingdom of heaven... It is easier for a camel to go through the eye of a needle, than for a rich man to enter into the kingdom of God” (Mt 19: 23–24). St Mark clarifies that it is difficult to enter the Kingdom of God precisely for those who trust not in God but in wealth, who ‘trust in riches’ (Mk 10: 24)” (Bases 2000: VII.2)].

302 «Труд является органичным элементом человеческой жизни».

303 «С христианской точки зрения труд сам по себе не является безусловной ценностью. Он становится благословенным, когда являет собой соработничество Господу и способствует исполнению Его замысла о мире и человеке. Однако труд не богоугоден, если он направлен на служение эгоистическим интересам личности или человеческих сообществ, а также на удовлетворение греховных потребностей духа и плоти» [“From a Christian perspective, labour in itself is not an absolute value. It is blessed when it represents co-working with the Lord and contribution to the realisation of His design for the world and man. However, labour is not something pleasing to God if it is intended to serve the egoistic interests of individual or human communities and to meet the sinful needs of the spirit and flesh” (Bases 2000: VI.4)].

from the Creator to the imaginary triumph of reason” (Concept 2008: VI.3).³⁰⁴ The rationality of modernity is thus put in opposition to religion; respectively, Orthodox believers were called upon to keep their life standards low. This wary statement contradicts some later provisions that appeal to the achievements of modernity such as the Internet and mobile gadgets, as a useful and comfortable tool of the Orthodox mission in the public sphere (see Ponomariov 2015a, 2016). The contradiction reflects the early phase of the post-Soviet ROC, as the *Concept* was adopted by aged bishops during the painful transformation of post-Soviet society.

The *Concept* also distastes the “industry of vices” (Concept 2008: VI.5)³⁰⁵ such as alcoholism, drug addiction, pornography, *et cetera*; yet, it does not give preference to any form of economic activities if the latter are in line with Christian morality (Concept 2008: VI.5). The ROC recognizes private property and protects it (Concept 2008: VII.2). She makes a special emphasis on intellectual property and deplores violations of copyright (Concept 2008: VII.3), thus taking the HRD for granted.

Furthermore, the firm position on the right to own private property and its alienation is based on social memories connected with the Revolution of 1917 and the social and political cataclysms thereafter. In economic terms, property of religious entities should be tax-free, since its ownership does not imply business activities (Concept 2008: VII.4). Overall, the ROC prefers, as a model, regulated welfare economy that provides a necessary minimum to all citizens and sustains social stability (Concept 2008: VI.6).³⁰⁶ On the one hand, the preference

304 «Обобщение достижениями цивилизации удаляет людей от Творца, ведёт к мнимому торжеству рассудка».

305 «Современность породила развитие целой индустрии, специально направленной на пропаганду порока и греха» [“Modern times, however, have seen the emergence of a whole industry intended to propagate vice and sin” (Bases 2000: VI.5)].

306 «[Церковь] призывает общество к справедливому распределению продуктов труда, при котором богатый поддерживает бедного, здоровый – больного, трудоспособный – престарелого. Духовное благополучие и самосохранение общества возможны лишь в том случае, если обеспечение жизни, здоровья и минимального благосостояния всех граждан считается безусловным приоритетом при распределении материальных средств» [“[The Church] calls upon society to ensure the equitable distribution of the fruits of labour, in which the rich support the poor, the healthy the sick, the able-bodied the elderly. The spiritual welfare and survival of society are possible only if the effort to ensure life, health and minimal welfare for all citizens becomes an indisputable priority in distributing the material resources” (Bases 2000: VI.6)].

for welfare economy and protection of copyright make the ROC a modern actor, whereas her wariness regarding the “triumph of reason” testifies to the ambiguous character of the ROC leaders’ relationship with the secular order of things in the 1990s.

5.6.7. Abortion and Contraception (2000)

The secular order of things raises a question of the ROC’s attitude to modern medicine and medical technologies. Abortion has been known for a long time, and the Orthodox Church equates it with murder (see, for instance, Rule 91 of the VI Ecumenical Council; Rules 2 and 8 of St. Basil the Great). This stance was reiterated in the *Concept* (XII.2).³⁰⁷ However, the ROC also explained her position on abortion by appealing to public reason: “the Church sees the widely spread and justified abortion in contemporary society as a *threat to the future of humanity*” (Bases 2000: XII.2).³⁰⁸ Besides, “abortion presents a serious threat to the physical and spiritual *health of a mother*. The Church has always considered it her duty to protect the most vulnerable and dependent human beings, namely, *unborn children*,” wherefore “under no circumstances the Orthodox Church can bless abortion” (Bases 2000: XII.2).³⁰⁹ On the other hand, the ROC reasons in favor of abortion if the latter can save the woman:

307 «С древнейших времён Церковь рассматривает намеренное прерывание беременности (аборт) как тяжкий грех. Канонические правила приравнивают аборт к убийству. В основе такой оценки лежит убеждённость в том, что зарождение человеческого существа является даром Божиим, поэтому с момента зачатия всякое посягательство на жизнь будущей человеческой личности преступно» [“Since the ancient time the Church has viewed deliberate abortion as a grave sin. The canons equate abortion with murder. This assessment is based on the conviction that the conception of a human being is a gift of God. Therefore, from the moment of conception any encroachment on the life of a future human being is criminal” (Bases 2000: XII.2)].

308 «Широкое распространение и оправдание абортов в современном обществе Церковь рассматривает как *угрозу будущему человечеству*» (Concept 2008: XII.2). (Italics mine).

309 «Аборт представляет собой серьёзную угрозу физическому и душевному здоровью матери. Церковь также неизменно почитает своим долгом выступать в защиту наиболее уязвимых и зависимых человеческих существ, коими являются *нерождённые дети*. Православная Церковь ни при каких обстоятельствах не может дать благословение на производство аборта» (Concept 2008: XII.2). (Italics mine).

In case of a direct threat to the life of a mother if her pregnancy continues, especially if she has other children, it is recommended to be lenient in the pastoral practice. The woman who interrupted pregnancy in this situation shall not be excluded from the Eucharistic communion with the Church provided that she has fulfilled the canon of Penance assigned by the priest who takes her confession. (Bases 2000: XII.2)³¹⁰

The father of the unborn baby is held responsible, too, if he had agreed that his wife should have an abortion. However, “if a wife had an abortion without the consent of her husband, it may be grounds for divorce” (Bases 2000: XII.2).³¹¹ Moreover, the physicians involved in abortion should be held responsible as well. Alternatively, engaging in the rights talk, the ROC insists that physicians should be entitled to refuse from performing abortion. We see that the approach to the problem is complex.

The problem of abortion is also raised in connection with contraception. The ROC distinguishes between two types of contraceptives: of abortive and non-abortive action. The use of abortive contraceptives is equated to abortion (Concept 2008: XII.3).³¹² Spouses, therefore, are encouraged to be reasonable in their use of contraceptives, which is not a pretext to refuse from giving birth to posterity (Concept 2008: XII.3). Hence, contraception is not rejected. Moreover, the official Church position significantly differs from a widely spread belief among Orthodox grassroots that they may not and should not use contraceptives in

310 «В случаях, когда существует прямая угроза жизни матери при продолжении беременности, особенно при наличии у неё других детей, в пастырской практике рекомендуется проявлять снисхождение. Женщина, прервавшая беременность в таких обстоятельствах, не отлучается от евхаристического общения с Церковью, но это общение обуславливается исполнением ею личного покаянного молитвенного правила, которое определяется священником, принимающим исповедь» (Concept 2008: XII.2).

311 «Если аборт совершён женой без согласия мужа, это может быть основанием для расторжения брака» (Concept 2008: XII.2).

312 «Некоторые из противозачаточных средств фактически обладают абортивным действием, искусственно прерывая на самых ранних стадиях жизнь эмбриона, а посему к их употреблению применимы суждения, относящиеся к аборту. Другие же средства, которые не связаны с пресечением уже зачатой жизни, к аборту ни в какой степени приравнять нельзя» [“Some contraceptives have an abortive effect, interrupting artificially the life of the embryo on the very first stages of his life. Therefore, the same judgments are applicable to the use of them as to abortion. But other means, which do not involve interrupting an already conceived life, cannot be equated with abortion in the least” (Bases 2000: XII.3)].

their sexual life at all, and that they should have as many children as “God gives” them.

5.6.8. Modern Medical Technology (2000)

The issue of abortion, contraceptives, and posterity is linked in ROC canon law to the problem of infertility. In this regard, the ROC embraces recent achievements of modern medicine, arguing that “new biomedical methods make it possible in many cases to overcome the infirmity of infertility” (Bases 2000: XII.4).³¹³ Here, infertility is traditionally called “infirmity” that can be cured by modern technology. The latter, though, must be applied after careful deliberation, and if “a husband or a wife is sterile and the therapeutic and surgical methods of infertility treatment do not help the spouses, they should humbly accept childlessness as a special calling in life” (Bases 2000: XII.4).³¹⁴ Concerning the treatment, the ROC approves of the artificial insemination “by the husband’s germ cells, since it does not violate the integrity of the marital union and does not differ basically from the natural conception and takes place in the context of marital relations” (Bases 2000: XII.4).³¹⁵ Nevertheless, the Church rejects third-party donorship and surrogacy, arguing both in religious terms (theomachy) and in terms of public reason, seeing in them negative consequences for society (see section 5.24).

Along with that, the ROC welcomes medical progress in treating hereditary diseases (Concept 2008: XII.5).³¹⁶ This approach is counterbalanced by the

313 «Применение новых биомедицинских методов во многих случаях позволяет преодолеть недуг бесплодия» (Concept 2008: XII.4).

314 «Если муж или жена неспособны к зачатию ребёнка, а терапевтические и хирургические методы лечения бесплодия не помогают супругам, им следует со смирением принять своё бесчадие как особое жизненное призвание» (Concept 2008: XII.4).

315 «К допустимым средствам медицинской помощи может быть отнесено искусственное оплодотворение половыми клетками мужа, поскольку оно не нарушает целостности брачного союза, не отличается принципиальным образом от естественного зачатия и происходит в контексте супружеских отношений» (Concept 2008: XII.4).

316 «Успехи в расшифровке генетического кода создают реальные предпосылки для широкого генетического тестирования с целью выявления информации о природной уникальности каждого человека, а также его предрасположенности к определённым заболеваниям. Создание “генетического паспорта” при разумном использовании полученных сведений помогло бы своевременно корректировать развитие возможных для конкретного человека заболеваний» [“The progress made in the deciphering of the genetic code have [sic] created real

precondition of awareness of possible abuses that must be avoided, as well as “respect for the freedom of the individual” (Bases 2000: XII.5).³¹⁷ The same is applied to prenatal diagnostics, which is accepted on condition that it poses no “threat to the life and integrity of the embryo or fetus under test,” since early detection of hereditary diseases may compel the parents to interrupt the life of the embryo (Bases 2000: XII.5).³¹⁸ Application of prenatal technologies is declared unacceptable for the purposes of choosing “a more desirable gender of a future child” (Bases 2000: XII.5).³¹⁹ Furthermore, cloning is condemned, in particular, by means of the Church “newoldspeak”:

Man has *no right* to claim the role of the creator of his likes or to choose their *genetic prototypes*, thus determining their personal characteristics at his discretion. The conception of cloning is a definite challenge to the very nature of the human being and to the *image of God* inherent in him, the integral part of which are the *freedom* and uniqueness of the personality. The “printing” of people with specified parameters can appear welcome only to adherents of totalitarian ideologies. (Bases 2000: XII.6)³²⁰

That notwithstanding, the pivotal substantiation is *bonum publicum*, when fear of technology is backed by the thought that “a child can become a sister to her mother, a brother to his father or a daughter to his or her grandfather”

pre-conditions for comprehensive genetic testing with the aim to discover information on the natural uniqueness of every human being and his susceptibility to particular illnesses. Genetic screening, provided the information obtained is used reasonably, could help to rectify timely the development of illnesses to which a particular person is prone” (Bases 2000: XII.5)].

317 «Уважение свободы личности» (Concept 2008: XII.5).

318 «[Некоторые из этих методов могут представлять] угрозу для жизни и целостности тестируемого эмбриона или плода» (Concept 2008: XII.5).

319 «[Совершенно недопустимо применение методов пренатальной диагностики] с целью выбора желательного для родителей пола будущего ребёнка» (Concept 2008: XII.5).

320 «Человек *не вправе* претендовать на роль творца себе подобных существ или подбирать для них *генетические прототипы*, определяя их личностные характеристики по своему усмотрению. Замысел клонирования является несомненным вызовом самой природе человека, заложенному в нём *образу Божию*, неотъемлемой частью которого являются *свобода* и уникальность личности. “Тиражирование” людей с заданными параметрами может представляться желательным лишь для приверженцев тоталитарных идеологий» (Concept 2008: XII.6). (*Italics mine*).

(Bases 2000: XII.6).³²¹ On the same ground, cloning of tissues and/or cells is considered helpful. Closely related to the problem of cloning is transplantation, tackled within the similar reasoning: on the one hand, the ROC views transplantation as “effective aid to many patients who were earlier doomed to death or severe disability” (Bases 2000: XII.7),³²² on the other hand, she is against the commercialization of human organs. Here, however, a “minority report” is in play, arguing that “the posthumous giving of organs and tissues can be a manifestation of love spreading also to the other side of death” (Bases 2000: XII.7).³²³ The *Concept* is wary of transplantation of animal organs and/or tissues to humans. Besides, it protests against fetal therapy, calling it “criminal” (*преступная*) (Concept 2008: XII.7).

The problem of transplantation and donorship raises questions regarding the verification of the exact moment of death, which can lead to murder, either intentional or unintentional. In this connection, the *Concept* welcomes new intensive care technology, postulating that the purpose should be a due preparation for the afterlife (Concept 2008: XII.8), that is, stressing the religious aspect as a sacred value. Therefore, euthanasia as a modern phenomenon is declared a form of murder or suicide. The latter is subject to ancient canons:

A perpetrator of calculated suicide, who “did it out of human resentment or other incident of faintheartedness” shall not be granted Christian burial or liturgical commemoration (Timothy of Alexandria, Canon 14). If a suicide is committed “out of mind,” that is, in a fit of a mental disease, the church prayer for the perpetrator is allowed after the case is investigated by the ruling bishop. (Bases 2000: XII.8)³²⁴

In particular, St. Timothy of Alexandria († c. 385 C.E.) is a Church Father, whose 18 canons were recognized by the Trullo Council. In terms of application, the

321 «Ребёнок может стать сестрой своей матери, братом отца или дочерью деда» (Concept 2008: XII.6).

322 «[Трансплантология] позволяет оказать действенную помощь многим больным, которые прежде были бы обречены на неизбежную смерть или тяжёлую инвалидность» (Concept 2008: XII.7).

323 «Посмертное донорство органов и тканей может стать проявлением любви, простирающейся и по ту сторону смерти» (Concept 2008: XII.7).

324 «Умышленный самоубийца, который “соделал сие от обиды человеческой или по иному какому случаю от малодушия”, не удостоивается христианского погребения и литургического поминовения (Тимофея Алекс.[андрийского] прав.[ило] 14). Если самоубийца бессознательно лишил себя жизни “вне ума”, то есть в припадке душевной болезни, церковная молитва о нём допускается по исследовании дела правящим архиереем» (Concept 2008: XII.8).

quoted ancient canon is brought in line with late modernity based on the deliberation that any case of euthanasia should be considered suicide, if the decision is taken by the dying person; or murder, if the decision is taken by others. In this context, the ROC stretches the responsibility for euthanasia onto “the people around the perpetrator who proved incapable of effective compassion and mercy” (Bases 2000: XII.8).³²⁵ It is not quite clear how exactly the rigid canons in question should be applied in practice. The bishop, in whose diocese resided the euthanized person, has to investigate the case. The resolution on excommunication, if any, is made public by the Church media and traditional reading aloud in parishes. However, this procedure is not explicitly written out in the *Concept*.

5.6.9. Homo- and Transsexuality (2000)

The *Concept* unequivocally deplores the phenomenon of homosexuality, seeing in it a fundamental “distortion of the God-created human nature” (Bases 2000: XII.9).³²⁶ This position is based on the Old and New Testament, in particular, on Lev 20: 13.³²⁷ The famous statement of Apostle Paul concerning ἀρσενικοῖται (1 Cor 6: 9), who do not “inherit” the Kingdom of Heaven, adds eschatological strokes to this attitude (cf. Concept 2008: XII.9). That is to say, the ROC believes that homosexuality leads people astray from the Christian afterlife perspective. Referring to ancient canon law and Church Fathers, she argues that Orthodox tradition “clearly and definitely denounces any manifestation of homosexuality”:

The Teaching of the Twelve Apostles, the works of St. Basil the Great, John Chrysostom, Gregory of Nyssa and Blessed Augustine and the canon of St. John the Faster – all express the unchangeable teaching of the Church that homosexual relations are sinful and should be condemned. People involved in them have not right to be members of the clergy (Gregory [Basil] the Great, Canon 7; Gregory of Nyssa, Canon 4; John the Faster, Canon 30). (Bases 2000: XII.9)³²⁸

325 «[Вину самоубийцы нередко разделяют окружающие его] люди, оказавшиеся неспособными к действительному состраданию и проявлению милосердия» (Concept 2008: XII.8).

326 «[Священное Писание и учение Церкви недвусмысленно осуждают гомосексуальные половые связи, усматривая в них] порочное искажение богозданной природы человека» (Concept 2008: XII.9).

327 “ואיש אשר ישכב את־זכר משכבי אשה תועבה עשו שניהם מות יומתו דמיהם בהם” [“If a man lies down with a male in the same way as he lies down with a woman, they both commit abomination. They shall be put to death. Their blood is upon them”].

328 «“Учение двенадцати апостолов”, творения святителей Василия Великого, Иоанна Златоуста, Григория Нисского, блаженного Августина, каноны святого

That said, the ROC radically disagrees with the modern liberal idea that homosexuality is not a “sexual perversion but only one of the ‘sexual orientations’ which have the equal right to public manifestation and respect” (Bases 2000: XII.9).³²⁹ Proceeding from the doctrine of original sin, the Church, on the contrary, sees in homosexuality a manifestation of “a sinful distortion of human nature” (Concept 2008: XII.9).³³⁰ Therefore, the ROC is “*resolutely against* the attempts to present this sinful tendency as a ‘norm’ and even something to be proud of and emulate” (Bases 2000: XII.9).³³¹ According to the *Concept*, homosexual desires should and can be healed through spiritual life (Concept 2008: XII.9). That is why the ROC condemns “public propaganda of homosexuality.” Moreover, referring to *bonum publicum*, she argues that, with all due respect to personal rights and dignity, the persons involved in the said propaganda (although not homosexuals as such) should not be permitted to work with children and youth at educational institutions, or occupy commanding positions in the armed forces and correctional facilities (Concept 2008: XII.9).³³² Hence, despite the overall negative stance, ROC canon law confines its red line to the public representation of homosexuality, rather resigning itself to the existence of homosexuals in society.³³³

Иоанна Постника выражают неизменное учение Церкви: гомосексуальные связи греховны и подлежат осуждению. Вовлечённые в них люди не имеют права состоять в церковном клире (Василия Вел.[икого] пр.[авило] 7, Григория Нис.[ского] пр.[авило] 4, Иоанна Постн.[ика] пр.[авило] 30)» (Concept 2008: XII.9).

- 329 «[Дискуссии о положении так называемых сексуальных меньшинств в современном обществе клонятся к признанию гомосексуализма] не половым извращением, но лишь одной из “сексуальных ориентаций”, имеющих равное право на публичное проявление и уважение» (Concept 2008: XII.9).
- 330 «Она считает гомосексуализм греховным повреждением человеческой природы».
- 331 «Церковь в то же время *решительно противостоит* попыткам представить греховную тенденцию как “норму”, а тем более как предмет гордости и пример для подражания» (Concept 2008: XII.9). (*Italics mine*).
- 332 «Не отказывая никому в основных правах на жизнь, уважение личного достоинства и участие в общественных делах, Церковь, однако, полагает, что лица, *пропагандирующие* гомосексуальный образ жизни, не должны допускаться к преподавательской, воспитательной и иной работе среди детей и молодёжи, а также занимать начальственное положение в армии и исправительных учреждениях». (*Italics mine*).
- 333 On June 29, 2013, “homosexual propaganda among the underage” became punishable under state law. The ROC lobbied the legislation (Zapret 2012). Parallels between

Transsexuality is subject to a similar judgment. Apart from theological arguments, the ROC applies social reasoning to the phenomenon, arguing that a change of sex “has led in many cases not to the solution of psychological problems, but to their *aggravation*, causing a deep inner crisis” (Bases 2000: XII.9).³³⁴ At the same time, however, transsexuality *per se* should be distinguished “from the wrong identification of the sex in one’s infancy as a result of doctors’ mistake caused by a pathological development of sexual characteristics. The surgical correction in this case is not a change of sex” (Bases 2000: XII.9).³³⁵

Interestingly, the ROC sets forth a canon that allows baptizing transsexuals, if the change occurred before their decision to convert to Orthodoxy (Concept 2008: XII.9). In this case, transsexuals are to be baptized in accordance with the sex they were born with: “the Church will baptize him or her as belonging to his or her sex by birth” (Bases 2000: XII.9).³³⁶ As a result, they may partake in the Church sacraments on a par with the rest of the Orthodox. However, the Church marriage ceremony for them and their ordination is impossible (Concept 2008: XII.9).³³⁷ The same pertains to homosexuals. Bringing up the issue of ordination and marriage in this context, the ROC demonstrates how serious her red lines are regarding the public role of the discussed phenomena.

5.7. Demography and an Earthly Homeland (2004)

It is noteworthy in connection with the homo- and transsexual problematics that the *Concept* did not discuss them from the perspective of demography.

the way the *Concept* handles “public propaganda” and that of secular law are evident (see section 7.2).

- 334 «“Смена пола” посредством гормонального воздействия и проведения хирургической операции во многих случаях приводит не к разрешению психологических проблем, а к их усугублению, порождая глубокий внутренний кризис» (Concept 2008: XII.9). (*Italics mine*).
- 335 «От транссексуализма надлежит отличать неправильную идентификацию половой принадлежности в раннем детстве в результате врачебной ошибки, связанной с патологией развития половых признаков. Хирургическая коррекция в данном случае не носит характер изменения пола» (Concept 2008: XII.9).
- 336 «[Если “смена пола” произошла с человеком до Крещения, он может быть допущен к этому Таинству, как и любой грешник, но] Церковь крестит его как принадлежащего к тому полу, в котором он рождён» (Concept 2008: XII.9).
- 337 «Рукоположение такого человека в священный сан и вступление его в церковный брак недопустимо» [“The ordination of such a person and his or her marriage in church are inadmissible” (Bases 2000: XII.9)].

The demographic situation in the Russian Federation is critical; for instance, the largest country in the world has a population comparable to that of Japan. Therefore, in 2004, the Bishops' Council of the ROC published the *Address of the Bishops' Council of the Russian Orthodox Church on the Issues of Demography* (*Обращение Архиерейского Собора Русской Православной Церкви по вопросам демографии*), concerned about the “burning issues of demography”³³⁸ that manifest themselves in “the catastrophic depopulation”³³⁹ (*Voprosy Demografii* 2004).³⁴⁰ These are strong adjectives, evidencing the ultimate line beyond which there begins a “point of no return.” Besides, the Council speaks on behalf of “the peoples of our countries” (*народы наших стран*), implying the countries of the canonic territory of the ROC (*Voprosy Demografii* 2004). The Church is concerned about the future when Russia can no longer be effective economically and politically:

[Russia cannot] anymore preserve its originality and culture, and be economically effective on its own territory and protect it, providing for the needs of children and old people. It is especially important for such a big country as Russia, whose existence is *unthinkable* as a strong and globally respected state without its numerous population. (*Voprosy Demografii* 2004)³⁴¹

338 «Остро стоящие вопросы демографии».

339 «Катастрофическое сокращение численности».

340 Cf. the statistics, referred to by Kirill, taken from a later period: «Вот некоторые цифры: на 1 215 000 браков приходится почти 640 тысяч разводов, то есть больше половины. В 2011 году [в России] родилось 1 814 000 детей и произведено абортов 1 230 000 – по официальной статистике. Неофициальная статистика оперирует ужасными цифрами – 3,5-4 млн. абортов [в год]. Сегодня в России около 700 тысяч детей-сирот, большинство из которых – социальные сироты, то есть сироты при живых родителях» [“Here are some figures: out of 1 215 000 marriages, we have almost 640 thousand divorces, that is, more than a half. In 2011, [in Russia] there were born 1 814 000 children, and 1 230 000 abortions were performed – as per the official statistics. Non-official statistics deals with horrible numbers: 3.5 to 4 million abortions [per year]. Today in Russia, there are some 700 thousand orphans, most of whom are social orphans, that is, the orphans with living parents” (Kirill 2012)].

341 «[Россия не сможет] более сохранять свою самобытность и культуру, эффективно хозяйствовать на своей территории и защищать её, обеспечивать нужды детей и стариков. Особенно это важно для такой большой страны, как Россия, само существование которой в качестве сильного, уважаемого в мире государства *немыслимо* без многочисленного народа». (*Italics mine*).

Orthodoxy and its derivative cultural codes represent a significant national value for 80% of the people in the country, given that this percentage coincides with the proportion of ethnic Russians. As long as the modern demographic proportions remain, the ROC is likely to be the leading religious force in Russia. A critical depopulation of ethnic Russians will trigger a collapse of the Russian Federation, hints the Church, seeing the core of the problem in a spiritual derogation, in the first place, reflected in particular in the negligence of the institution of family (Voprosy Demografii 2004).³⁴²

It is quite clear from the quoted text that the ROC thinks in line with the invective of Emperor Justinian of the 6th century C.E. (cf. *consonantia quaedam bona* in section 3.7). What distinguishes the ROC's document is that the ROC puts weight upon the institution of family, whereas the Byzantine legislation emphasized the clergy. The output, nevertheless, is thought to be a certain symphony of state and society in both cases. Interestingly, back in the 6th century, it was the state that postulated a conscious pursuit of this benefit, whereas at present it is the Church. It can be argued, hence, that the Church officials in Russia demonstrate more state-related qualities and the so-called state-oriented thinking (*государственное мышление*) than the present-day Russian authorities; cf. the ROC's appeal to the state to take better care of family, whose support is "the most important task of any state."³⁴³

At the same time, a liberal approach to family values, which is "being implemented today in our society with all fervor,"³⁴⁴ in particular, in the form of the so-called "family planning," including abortion and contraception, is said to oppose the Church doctrine (Voprosy Demografii 2004). Concerning contraception, the document does not specify whether it implies only abortive means. It can

342 «Мы убеждены, что такая ситуация обусловлена не только экономическими, но прежде всего – духовными причинами. В первую очередь мы имеем в виду отход от идеалов святости семейной жизни, чистоты отношений между мужчиной и женщиной. Брак, строящийся на христианской любви, на взаимной поддержке друг друга супругами, которые достойно воспитывают детей – вот основа благополучия общества и государства» ["We are convinced that the situation is stipulated not only by economical, but first of all by spiritual reasons. Above all, we imply the negligence of the ideals of sanctity in family life, the pureness of relations between man and woman. A marriage built upon Christian love and mutual support of the spouses who raise their children in an appropriate way – this is the *basis for the well-being* of society and state"]. (Italics mine).

343 «Важнейшей задачей любого государства».

344 «Который сегодня усиленно насаждается в нашем обществе».

be surmised that the reader should refer to the relevant section in the *Concept*, discussed above.

The problem of demography received a continuation in later Church activities. For example, in April 2012, Patriarch Kirill spoke in front of the newly created Patriarchal Commission on Family and Protection of Motherhood (Kirill 2012). The Patriarch employed special rhetoric,³⁴⁵ questioning the toolkit of modernity expressed in terms of “reforms,” “modernization” (which term was especially actively used in Russia during the presidency of Dmitrii Medvedev in 2008–2012), “infrastructure,” and “science” before the plain, eternal, and fundamental human problems of life and death. Furthermore, Kirill explicitly connected demography to national security (Kirill 2012).³⁴⁶

5.8. AIDS: Immanent Challenge → Transcendent Solution (2005)

The problem of demography has a number of aspects, one of them being pandemic diseases. In 2005, the ROC passed a document called *Concept of the Russian Orthodox Church's Participation in Overcoming the Spread of HIV/AIDS and Work with the People Living with HIV/AIDS* (Концепция участия Русской Православной Церкви в борьбе с распространением ВИЧ/СПИДа и работе с людьми, живущими с ВИЧ/СПИДом). The ROC admits that AIDS is one of the most serious threats in the post-Soviet space because it damages youth and economically active people (SPID 2005). The document is noteworthy not only in connection with the disease itself, but also because in the beginning, it refers to the notion of human dignity, linking it to the inalienable image of God in man, before the ROC's concept on dignity and human rights was adopted in 2008. The concept of the image of God is required to show the importance of humans, who, in Orthodox theory, can be saved even if captured by the most malignant

345 «Никакие экономические реформы, никакая модернизация, никакие инвестиции, никакая развитая инфраструктура, никакие высочайшие достижения в области науки, техники, образования, культуры не сделают ничего радикального для изменения к лучшему жизни нашей страны, если народ наш будет вымирать» [“No economic reforms, no modernization, no investments, no developed infrastructure, no high-end achievements in science, technology, education, and culture can foster any radical change for the better of our country if our people die out”].

346 «Тема демографии имеет, конечно, ярко выраженное политическое измерение, связанное с безопасностью Отечества» [“The topic of demography, of course, has a clear-cut political dimension, connected with the security of our Homeland”].

diseases, such as AIDS. Apart from that, it briefly summarizes the Church's fundamental stance on the sense of life, as well as outlines her position on the interaction with state and society. In fact, I recommend reading this document first, when starting approaching the modern ROC.

The ROC admits that the phenomenon of AIDS is new to her, both in terms of its character and scope (SPID 2005). Nonetheless, she tackles it within her model of original sin, that is, "the real first cause and source of the rapidly spreading epidemic is an unprecedented growth of sin and lawlessness, loss of fundamental spiritual values, moral traditions and guidelines in society" (AIDS 2005).³⁴⁷ The notions of "sin" and "lawlessness" are intermingled, because law, in the eyes of the Church, came to be as a means to curb the consequences of original sin. Moreover, law in the canon discourse is replenished with the notion of "morality" as an indispensable feature of the public well-being (SPID 2005).³⁴⁸ In this regard, a conversion of the sick is seen as a way to healing, albeit presented mostly in eschatological terms: although diseases in the Christian era persist, sin loses its grip over humans (SPID 2005: I.3). It is noteworthy that "sin" and "sinful" consequences in the ROC's doctrine are separated from people who suffer from them (SPID 2005: I.5). Besides, modernity makes them suffer because of the cults of violence and hatred between people, whereas the Church is called to propagate mercy and love (SPID 2005: I.5).³⁴⁹ Therefore, a person with HIV/AIDS must find a "safe haven"

347 «Подлинной же первопричиной и источником стремительного распространения эпидемии является достигшее невиданных прежде размеров умножение греха и беззакония, утрата обществом фундаментальных духовных ценностей, нравственных устоев и ориентиров» (SPID 2005).

348 «Церковь ясно свидетельствует, что болезни и связанные с ними страдания, в том числе переживаемое больными отчуждение и презрение со стороны окружающих, – это последствия греха, пренебрежения богозаповеданными нравственными нормами и интересами ближних» ["The Church states clearly that illnesses and the suffering they involve, including alienation and disdain endured by the sick from those around them, are consequences of sin and neglect of God-commanded moral norms and interests of the neighbors" (AIDS 2005)].

349 «В современном обществе, где часто культивируются жестокость и ненависть по отношению к другому, поощряется борьба с другими людьми за обретение высокого социального статуса и присвоение максимума материальных благ, Церковь должна проповедовать словом и проявлять на деле свою веру и убежденность в том, что сострадание, милосердие, жертвенная любовь к другому человеку являются универсальной и абсолютной этической ценностью» ["In today's society in which cruelty and hatred towards others are often cultivated and the struggle with other people for a higher social status and acquisition of maximum

and a “family” in the Church (SPID 2005: I.5). The ROC seeks direct contact with the diseased and their eventual inclusion in the Orthodox community and liturgical life. In so doing, the ROC’s document instructs priests to give up their potential fear and rely on achievements of modern medicine. The following text is an example of the ROC’s acceptance of modernity in the given context:

From the medical point of view, there are no obstacles for administering the sacrament of Baptism to an HIV-infected person in the parish baptistery if he or she has no open bleeding wounds. There are no obstacles either for administering to such people the sacraments of Anointing and Extreme Unction. The same is true for giving communion to HIV-infected people, as well as their kissing icons and other sacred objects. (AIDS 2005: II.1)³⁵⁰

Infected persons, besides getting the medical treatment, should behave responsibly for the sake of the people around them (SPID 2005: II.1). Priests, too, must be aware of the social risks connected with AIDS and specifics of its treatment, as well as of the social adaptation of those infected (SPID 2005: II.1). It is important to communicate up-to-date information on AIDS to parishioners (SPID 2005: II.1).

Along with reliance on medical achievements, however, the document contains a traditional reservation regarding the sacrament of Communion. It tries to balance or even contest the medical progress with the following sacramental premise: “according to the deepest *conviction* of many generations of the faithful, no infection can be transmitted through a spoon immersed in the true Blood of Christ” (AIDS 2005: II.1).³⁵¹ The statement that no infection can be transmitted is not based on empirical research but is just a matter of belief. Whether this belief holds true should be proven experimentally. It would be indeed useful for

wealth is encouraged, the Church should proclaim in word and show in deed her faith and conviction that compassion, charity and selfless love for others are a universal and absolute ethical value” (AIDS 2005: I.5)].

350 «С медицинской точки зрения (при условии отсутствия у больного открытых кровоточащих ран) нет препятствий для совершения Таинства Крещения над ВИЧ-инфицированным в приходском баптистерии. Также нет препятствий для совершения над такими больными Таинств Миропомзания и Елеосвящения. То же самое справедливо относительно причащения ВИЧ-инфицированных, а также целования ими икон и иных святынь» (SPID 2005: II.1).

351 «По глубочайшему убеждению многих поколений верующих, передача инфекции через лжицу, погружаемую в истинную Кровь Христову, невозможна» (SPID 2005: II.1). (*Italics mine*).

the ROC to research the matter comprehensively. It can be argued, however, that the reservation is but a “tribute of honor” of the ROC to her past.

Furthermore, the ROC suggests a cooperation between Church, state, and society as a way to deal with AIDS (SPID 2005: III.3). In particular, the state information policy in the media, especially on the Internet, should be built on moral values (SPID 2005: III.1). The ROC is also ready to cooperate with secular partners across the whole range of topics connected with overcoming AIDS, including sexual awareness. However, the latter should not be deemed a panacea. Moreover, cooperation with organizations, programs, and events propagating “immoral ethics,” despite their formal appearance as HIV prophylactics, is defined as “unacceptable,” not the least because they prove “ineffective” in the final analysis.³⁵² In other words, the standard ROC’s referral to morality is accompanied by an appeal to public reason.

5.9. The Concept of the ROC’s Missionary Activities (2007)

In March 2007, the Holy Synod of the ROC adopted the *Concept of the Missionary Activities of the Russian Orthodox Church* (Концепция миссионерской деятельности Русской Православной Церкви), containing some interesting principles of external relations (Missiia 2014), later developed as a separate provision (see section 5.23).

In the beginning, the ROC states her direct connection to the community of the Apostles: “She [the Orthodox Church] keeps growing as being co-essential with that Church, which was born on the day of Pentecost.”³⁵³ At the same time, the paragraph demonstrates a slight difference between the two Churches, the ROC today and the early Church in Jerusalem, through using the theological term *единосущный* (ὁμοούσιος). What immediately comes to mind is co-essentiality of the Holy Trinity in Orthodox doctrine: the Persons of the Trinity are one in essence, yet they are different in their personal being. That said, the ROC pointed out that she is somewhat different. Given that the ROC sometimes evades the binding ancient canons, it rather confirms the difference.

352 «Но при этом информационные кампании по профилактике ВИЧ/СПИДа и наркомании не смогут быть эффективными, оставаясь вне твёрдых этических оснований» (SPID 2005: III.1) [“Information campaigns for preventing HIV/AIDS and drug-addiction cannot be effective without solid ethical foundations” (AIDS 2005: III.1)].

353 «Она непрерывно растёт как единосущная той Церкви, которая родилась в день Пятидесятницы».

The pivot of the missionary activities is seen in the document not so much in teaching, but communicating the very “experience of communion with God.”³⁵⁴ Hence, the Orthodox mission in the world is portrayed as an “eschatological event”;³⁵⁵ besides, this eschatological perspective predefines the “correct relationship between mission and national culture.”³⁵⁶ The latter, therefore, is considered by the ROC a means of soteriology, if it does not contradict Christianity.³⁵⁷ It is not explained, however, which cultures do not contradict the Christian faith and which ones do.

The Orthodox mission sees the canonic territory of the Moscow Patriarchate as a “missionary field,” which is also a “spiritual space, where the light and the darkness struggle with each other” (Missiia 2014: I).³⁵⁸ There is nothing extraordinary in this approach, except, probably, the “newoldspeak,” combining the modern (*миссионерское поле*) and traditional (*свет и тьма*) languages. What is noteworthy is the way the ROC defines what the external mission is within the “missionary field”: it is “Orthodox testimony among those peoples that do not have a truly Christian basis in their national tradition and culture” (Missiia 2014: II.4).³⁵⁹ Again, there arise questions regarding the choice of words. What is a “truly” Christian basis, and how is it different from “untruly” Christian?

Another aspect of the external mission is interaction with migrants who bring their own cultures that can lead to social conflicts with the local population (Missiia 2014: II.4). In this context, the Orthodox mission must study the culture of every related ethnic group in order to find ways to instrumentalize

354 «Главным образом она нацелена на передачу опыта Богообщения» [“First and foremost, she aims at communicating the experience of communion with God”].

355 «Вселенская миссия является эсхатологическим событием» [“The universal mission is an eschatological event”].

356 «Именно эта эсхатологическая перспектива определяет правильное взаимоотношение между миссией и национальной культурой» [“It is this eschatological perspective that defines the correct relationship between mission and national culture”].

357 «Поэтому миссия состоит в том, чтобы [...] принимать местные культуры и способы их выражения, не противоречащие христианской вере, преобразуя их в средства спасения» [“Therefore, the mission implies [...] acceptance of local cultures and ways of their expression that do not contradict the Christian faith, transforming them into instruments of salvation”].

358 «Миссионерское поле – это духовное пространство, где борются свет и тьма».

359 «Это православное свидетельство среди народов, не имеющих истинно христианских основ в своей национальной традиции и культуре».

it in Orthodox testimony.³⁶⁰ The Orthodox mission in this regard has to be a “mission of dialogue” (*миссия диалога*) and “mission of reconciliation” (*миссия примирения*). The latter gets a further refinement as “reconciliation in memory” (Missiia 2014: II.5),³⁶¹ which was realized in practice in the *Joint Message to the Peoples of Russia and Poland*, referred to in section 1.13.

Part of the missionary mindset should be “respect to representatives of other religious views” as humans, coexisting with them in a peaceful way, although without confusing religious traditions.³⁶² It is not quite clear why the authors of the text speak of “confusing” religions, (as if there were a danger of creating new religious cults), instead of “giving up” one’s religion or “conversion” to another religion. The latter is undoubtedly implied, despite the obscure language. Considering the mass migration clause, it can be concluded that the ROC hints, first and foremost, at Islam and Muslim migrants from the ex-USSR republics of Central Asia. The mass migration from Eastern Ukraine in 2014–2015, of course, was not predicted in 2007. The migration issue received a continuation in 2014 (see section 5.27).

What the document defines as “internal mission” of the ROC, is, however, quite external from my point of view (Missiia 2014: I.2),³⁶³ given that the ROC

360 «Важно направить усилия миссии на изучение культурных традиций и мировоззренческого базиса каждой конкретной этнической группы, дабы православленное просвещение осуществлялось на основе принципа церковной рецепции всех созидательных компонентов национальных культур» [“It is important to apply efforts of the mission towards studying cultural traditions and the worldview basis of each specific ethnic group, in order to conduct the Orthodox enlightenment on the principle of ecclesiastical reception of all constructive components of national cultures”].

361 «Одним из важных аспектов миссии примирения является “миссия примирения в памяти”, когда примирение происходит в социально-политическом сознании людей» [“One of the important aspects of the mission of reconciliation is ‘mission of reconciliation in memory,’ when reconciliation takes place in the social and political consciousness of people”].

362 «Мы обязаны уважать в человеческом отношении представителей других религиозных убеждений. В то же время наше мирное сосуществование с людьми иных вероисповеданий не должно пониматься как возможность смешения различных религиозных традиций» [“We are obliged to respect, as humans, representatives of other religious convictions. At the same time, our peaceful coexistence with the people of other confessions must not be understood as a possibility to confuse various religious traditions”].

363 «Сегодня миссионерская деятельность Русской Православной Церкви включает в себя внутреннюю миссию, то есть работу по возвращению в церковную ограду людей, которые в результате гонений на Церковь в XX веке оказались

speaks of the people who are *de facto* outside the Church, even if they are formally baptized (cf. Missiia 2014: I.1).³⁶⁴ In addition, referring to the “constructive” cultures, it calls them “genetically connected with Orthodoxy.”³⁶⁵ This is a *cliché* in the spoken Russian language; however, using it without quotation marks in a serious document shows poor language proficiency.

Interestingly, the background against which the missionary activities of the ROC are to be conducted was identified as a fivefold “challenge” of modernity: 1) loss of one’s cultural identity, with the task of finding constructive “conditions for christianization of national cultures”;³⁶⁶ 2) challenge of social and economic reforms, with the task of protecting the poor;³⁶⁷ 3) challenge of scientific progress connected with morality, with the task of resisting the “replacement” of science by ideology or occultism;³⁶⁸ 4) challenge of informational society, with the task of resisting the “informational aggression” against Orthodoxy;³⁶⁹ and 5) challenge of religious and worldview pluralism, with the task of resisting the replacement

оторванными от отеческой веры, и особенно тех чад Церкви, которые подпали под влияние деструктивных культов и тоталитарных сект» [“Today, the missionary activities of the Russian Orthodox Church include internal mission, that is, activities aimed at bringing back into the Church pale those people who were torn away from the forefathers’ faith by the persecutions of the Church in the XX century; especially those children of the Church who fell under the influence of destructive cults and totalitarian sects”].

- 364 «Большинство людей, к кому обращена проповедь, имеют культуру, коренящуюся в Православии, и при этом сохраняют *индифферентное* отношение к Церкви» [“Most of the people, to whom the kerygma is addressed, have a culture rooted in Orthodoxy; at the same time, they remain *indifferent* to the Church”]. (Italics mine). The word *индифферентное* in the ecclesiastical context is linguistically unfitting (cf. *равнодушное*). It shows, however, how the authors of the text try to look “serious.”
- 365 «Генетически связанные с Православием».
- 366 «Вызов утраты культурной идентичности (миссионерская задача – нахождение условий для христианизации национальных культур на базе их созидательных составляющих)».
- 367 «Вызов социально-экономических реформ (миссионерская задача – защита социально незащищённых слоёв населения)».
- 368 «Вызов развития науки, связанный с появлением новых областей исследования, касающихся нравственности и сущностных основ жизни (миссионерская задача – противостояние подмене науки идеологией или оккультизмом и попыткам её “обожествления”, особенно в сфере общественных исследований)».
- 369 «Вызов информационного общества (миссионерская задача – противостояние информационной агрессии против Православия, личности, семьи и общества,

of “the truth of Christ” by a universal religion.³⁷⁰ Hence, by 2007, modernity was perceived by the ROC leaders as a set of “challenges” that required “resistance” from the ROC. This is a defensive policy (cf. Agadjanian 2014: 153) of a self-reflecting entity (see section 1.9). At the same time, for instance, the Church leadership protected science from its replacement by various surrogates (item 3). “Deification” of science, moreover, can imply rejection of “pure” secularization. Protection of the poor is also in order in many modern societies. The informational aspect, perceived as aggression, can be understood as field inexperience because the Church is only learning to cope with modern media streams and storms (cf. section 5.18).

Religious pluralism, thus, seems to pose a challenge to the ROC, as well as to Orthodoxy in general (Roudometof 2014a: 787). However, the situation is not as simple as it seems to be. On the one hand, as we saw above, the ROC is prepared for coexistence with other religions in a pluralistic environment. This is assessed as a post-secular approach (Rosati/Stoeckl 2012: 5). On the other hand, what the ROC is indeed wary of is a certain “one and universal religion” that stands counter to religious pluralism, because, by definition, it has to replace other religions and establish a religious monopoly (cf. section 1.9). Within this understanding, the ROC’s document confuses two different aspects of the issue and creates a misleading context.

5.10. Human Dignity, Freedom, and Nature (2008)

After briefly referring to human dignity in the provision on AIDS, the ROC in 2008 issued a standalone document called *The Bases of the Russian Orthodox Church’s Teaching on Human Dignity, Freedom, and Rights* (Основы учения Русской Православной Церкви о достоинстве, свободе и правах человека). Agadjanian argues that, in so doing, the ROC is “thus radically breaking off with the traditional indifference to these issues, [...] the inability to pronounce and to impact the social life outside the divine service” (Agadjanian 2008: 14). The analysis of the post-Soviet corpus of ROC canon law, however, cannot support such statements, since they are based on selected “big” documents only.

осуществляемой деструктивными культами и организациями; овладение новыми информационными пространствами для развития миссии)».

370 «Вызов плюрализма религий и мировоззрений (миссионерская задача – противостояние попыткам подмены абсолютной и единственной истины Христовой “единой и универсальной” религией)».

The ROC tackles the HRD referring to the “true” understanding of dignity. This understanding is important for the Church because she educes two different interpretations of freedom on its basis, one of which is “freedom of choice” (*свобода выбора*) and the other one is “freedom from sin” (*свобода от греха*). Both freedoms are recognized as lawful, yet they are interpreted differently. Based on early patristic tradition (Hovorun 2016: 47), the ROC makes a distinction between the Greek term αὐτεξούσιον as “freedom of choice,” or formal independence, and ἐλευθερία as “freedom from sin” (Dostoinstvo 2008: II.2). The document refers to New Testament verses that provide the context for interpreting “freedom from sin” (Dostoinstvo 2008: II.1, 2).³⁷¹ The public relevance of the relevant understanding of freedom is underlined as follows:

This means that only those are truly free who take the path of righteous life and seek communion with God, the source of absolute truth. However, *abuse* of freedom and a *choice of a false*, immoral, way of life will ultimately destroy the very freedom of choice as it leads the will to slavery by sin. (Dignity 2008: II.2)³⁷²

The key premise of the ROC is that freedom of choice can mean a choice of detrimental values that enslave the man and eventually dictate him/her what to do. For instance, a choice of drugs inevitably leads to addiction, when a person, although realizing the situation, cannot help consuming more. The ROC refers to Apostle Paul (Rom 7: 15)³⁷³ on how corrupt human nature impacts social behavior (Dostoinstvo 2008: II.1). Further, it is argued that “freedom of choice” is the standard interpretation of freedom within the HRD, whereas ἐλευθερία (“freedom from sin”) is an Orthodox asset (Dostoinstvo 2008: II.2). To illustrate the point: for instance, a person is free to choose to commit suicide, and this case stresses freedom of choice. However, suicide is a sin: suicide normally should not even be desired (= “freedom from sin”). The very impulse to commit suicide is thus a sign of corrupt human nature. “Suicide” can be substituted for “homosexuality,” *et cetera*.

371 “Καὶ γνώσεσθε τὴν ἀλήθειαν, καὶ ἡ ἀλήθεια ἐλευθερώσει ὑμᾶς. [...] ἐὰν οὖν ὁ υἱὸς ὑμᾶς ἐλευθερώσῃ, ὄντως ἐλεύθεροι ἔσεσθε” (Jn 8: 32, 36) [“And you will learn the truth, and the truth shall set you free. [...] However, if the Son of Man sets you free, you will be truly free”].

372 «Это значит, что подлинно свободен тот, кто идёт путём праведной жизни и ищет общения с Богом, источником абсолютной истины. Напротив, *злоупотребление свободой, выбор ложного, безнравственного образа жизни в конце концов разрушает саму свободу выбора, так как ведёт волю к порабощению грехом*» (Dostoinstvo 2008: II.2). (Italics mine).

373 “Οὐ γὰρ ὁ θέλω τοῦτο πράσσω, ἀλλ’ ὁ μισῶ τοῦτο ποιῶ” [“For I do not practice what I want, but I do what I hate”].

Despite the ostensible opposition, ROC canon law has no principle problem with both interpretations of freedom:

The social system should be guided by *both freedoms*, harmonizing their exercise in the public sphere. One of these freedoms cannot be defended while the other is neglected. Free adherence to goodness and the truth is impossible without the freedom of choice, just as a free choice loses its value and meaning if it is made in favor of evil. (Dignity 2008: II.2)³⁷⁴

The ROC states that morality has to precede this latter freedom in order to point to the fact that human nature is imperfect and requires remediation. The ROC believes that the task of law on earth is to protect morality as the way to righteousness, because morality (= internal guidelines) needs to be secured by external legal red lines. Otherwise, society can get addicted to sin and eventually degrade (cf. Dostoinstvo 2008: III.1). Therefore, the ROC cannot agree with the idea that “freedom of conscience” should be understood as religious neutrality or, better to say, public indifference; nor can she accept the idea that all the existing confessions should be recognized as “equally veritable” (Dostoinstvo 2008: IV.3).

At the same time, the ROC admits that all citizens must be equal before state law, irrespective of their religiosity (Dostoinstvo 2008: IV.3). A possible explanation of this equality statement is that the Russian Orthodox Church, being the largest and the most influential religious organization in Russia, can lobby secular laws in her favor (cf. Papkova 2011: 73). Given that the latter must be mandatory for all, the moral norms input in them automatically become the norms applicable to society. One can observe the process at present on the examples of a few norms of secular law adopted in 2013 (see section 7.2).

The Orthodox canon law discourse on the two freedoms and human rights is based on the premise of soteriology (Dostoinstvo 2008: IV: 1). For the sake of convenience, the ROC’s position can be parsed in three subsections:

In the modern world, there is a widespread conviction that the *human rights institution* in itself can promote in the best possible way the development of human personality and social organization. At the same time, human rights protection is often used as a plea to realize ideas, which in essence radically *deviate* from the Christian teaching. Christians have found themselves in a situation where public and social structures can force and often have already forced them to think and act contrary to God’s commandments, thus

374 «Общественное устройство должно ориентироваться на *обе свободы*, гармонизируя их реализацию в публичной сфере. Нельзя защищать одну свободу, забывая о другой. Свободное стояние в добре и истине невозможно без свободы выбора. Равно и свободный выбор теряет свою ценность и смысл, если обращается ко злу» (Dostoinstvo 2008: II.2). (Italics mine).

obstructing their way towards the most important goal in human life, which is deliverance from sin and *salvation*. (Dignity 2008)³⁷⁵

First, the ROC postulates that human rights as a phenomenon are a reality that declares to be the best instrument for organizing public life universally. Then, the ROC sets forth an antithesis, finding in it substantial flaws. Finally, the document provides examples of the flaws, arguing that some HRD norms block the Orthodox soteriological mission in the world. The freedom discourse helps elucidate what the ROC implies by the incompatibility of the HRD and Orthodox canon law. When secular law prefers freedom of choice, and canon law prefers freedom from sin, then both law systems agree on the principle of a free society and a free individual, yet diverging on the interpretation of the term “freedom.” Furthermore, the HRD notion of dignity is accepted by the ROC, albeit the interpretation thereof is different.

In connection with the freedom discourse, researchers point out two major aspects of the document. For example, Agadjanian argues that the notion of freedom of choice “cannot be accepted as a Christian category” by the ROC (Agadjanian 2014: 160). As we have seen (cf. Dignity 2008: II.2), this argument is incorrect: the ROC not only does not reject this type of freedom, it is a component in her strategy. On the other hand, Stoeckl points to two dimensions of freedom in the Western secular discourse (Stoeckl 2014a: 74). The latter proceeds from Isaiah Berlin’s deliberation on “positive” and “negative” liberty (Berlin 1969). Berlin defines “negative freedom” as a lack of external obstacles, as “not being interfered with by others” (Berlin 1969: 123). If no one or nothing tells me what to do or restricts me in another way, I am free to do anything. This type of freedom is easily associated with freedom of choice: for example, euthanasia, homosexuality, and some other phenomena are no longer restricted by law, and individuals have no legal burden to practice them. “Positive freedom” implies self-mastery, self-directedness. Although Berlin emphasizes here mostly independence from

375 «В современном мире значительное распространение получило убеждение, что институт прав человека сам по себе может наилучшим образом способствовать развитию человеческой личности и организации общества. При этом со ссылкой на защиту прав человека на практике нередко реализуются такие воззрения, которые в корне *расходятся* с христианским учением. Христиане оказываются в условиях, когда общественные и государственные структуры могут принуждать, а зачастую уже принуждают их мыслить и поступать вопреки Божиим заповедям, что препятствует достижению самой важной цели в жизни человека – избавлению от греха и обретению *спасения*» (Dostoinstvo 2008). (*Italics mine*).

external influence, he also mentions internal forces such as “unbridled” passions and “uncontrolled desires,” as well as “spiritual slavery” and “slavery to nature” (Berlin 1969: 132; cf. Rom 7: 15). A drug addict cannot help taking drugs, even if he realizes that this is a way to self-destruction, in which case his addiction controls him from within and dictates him what to do. Being free from passions is thus an aspect of positive freedom.

Besides, Berlin speaks of a “negative” “total self-identification with a specific principle or ideal in order to attain the selfsame end,” and connects it to “the free choice of his ‘true,’ albeit often submerged and inarticulate, self” (Berlin 1969: 133–134). In other words, admitting a conflict of two liberties with each other in the historical discourse on the subject, he sees a way to connect both in a complementary fashion. Hence, it follows that the ROC’s approach to freedom is close to the one of Berlin, albeit not identical with it because of a sharp transcendent focus, whereas Berlin’s ideas remind one of the immanent “practices of the self,” promulgated by Michel Foucault, with their problematics of the “one’s true self.”³⁷⁶ Nevertheless, ROC canon law does not mention these parallels. This unawareness (or, perhaps, “unawareness”) can be eliminated, considering the points shared by both religious and secular approaches to the understanding of freedom, making for mutual acceptance and recognition.

5.11. Blasphemy in Public (2011)

Employing the notions of human rights and dignity, the ROC reserves a right of appeal to secular justice in the event of “deliberate public blasphemy.” In 2011, on the eve of the notorious public performance of the punk band *Pussy Riot* in the Cathedral of Christ the Savior in Moscow, the ROC adopted a norm called *Attitude of the Russian Orthodox Church to Intended Public Blasphemy and Slander towards the Church* (*Отношение Русской Православной Церкви к намеренному публичному богохульству и клевете в адрес Церкви*). The Church defines blasphemy in her “newoldsppeak” as an “insulting or disrespectful action, word or intention towards God or shrine,”³⁷⁷ seeing it as one of the most serious transgressions because it “twists the godlike constitution of human personality” (Bogokhul’sstvo 2011: 1).³⁷⁸ Here, the issue of human personality and its interpretation come to the fore. The document also views slander as a form of

376 For details, see Horujy 2015a.

377 «Оскорбительное или непочтительное действие, слово или намерение в отношении Бога или святых».

378 «Искажает богоподобное устройство человеческой личности».

blasphemy. Blasphemy, continues the document in religious terms, destroys the aptitude to love God and darkens the image of God in man. Besides, it considers some “special cases,” such as public provocative actions:

A special case is on-purpose blasphemy or slander as a provocation, intending to defame the Christian doctrine or harm the Church of Christ. Imperfections of the earthly Church are used [...] for propaganda of publicly important decisions that contradict Christian morality, and for entrenching anti-Church ideas in mass consciousness. However, in most cases, blasphemy is used as a means of *fighting religion*, which is justified by references to freedom of conscience, speech, and creativity. (Bogokhul'stvo 2011: 1)³⁷⁹

In the above paragraph, the paradigm of post-secularity is clearly discernable, as the ROC implies a “lawful place” of religion in the public sphere. The Church defends the right of religion to be present in the public discourse with its own agenda. At the same time, it should be pointed out that the ROC distinguishes between slander and critique of negative phenomena in the Church, thus letting the public sphere help the Church improve herself, whereas this help, on the other hand, implies recognition of religion as a public actor. The ROC refers to anti-blasphemy laws in a number of secular jurisdictions with various political orders, wherefore this legal practice should be supported on the canonic territory of the ROC. That said, the document makes a telling reservation: these laws should not lead to any public discrimination (Bogokhul'stvo 2011: 2). By putting forward the law provision, the ROC defends her presence in the public space, whereas by rejecting discrimination of any player, she succumbs to the rules of the post-secular/post-religious framework.

Appealing to the state as to the institution that adopts secular laws, the ROC refers to the novella of Emperor Justinian I, whose legislation on the Church is viewed by the ROC as a pattern. Here, the ROC goes beyond the post-secular frame: the latter does not acknowledge religion as the highest public asset, but simply tolerates a religious worldview. However, referring to Roman law as to a pattern for church-state relations, the ROC promotes Orthodox Christianity as the utmost value. Besides, this link proves that the pre-modern Byzantine model

379 «Особым случаем является намеренное богохульство или клевета как провокация, призванная опорочить христианское вероучение или принести вред Церкви Христовой. Несовершенства в жизни земной Церкви используются [...] для пропаганды противоречащих христианской нравственности общественно значимых решений и для укоренения в массовом сознании антицерковных идей. Но чаще всего богохульство и клевета используются как средство *борьбы с религией*, оправдываемое ссылками на свободу совести, слова или творчества». (Italics mine).

is still of importance to the ROC, which she tries to transmit through her canon law to Russian authorities and society.

Furthermore, the document points out that the laws on blasphemy underwent a certain transformation over time and no longer pertain to religious ideas and concepts. Instead, they imply protection of the rights and dignity of believers (Bogokhuľstvo 2011: 2).³⁸⁰ The ROC states that, given that religion occupies a significant place both in private and public life of many citizens, it is vital to protect the rights of believers, in particular from those actors who do not tolerate religion: insulting religious feelings and/or convictions poses a threat to the public consent (Bogokhuľstvo 2011: 2). In other words, the ROC lobbies this particular item before the state by means of social arguments. Moreover, the document underscores that, in the modern world, protection of religious communities is part and parcel of the current agenda, and that international laws tend to view blasphemy as defamation and humiliation of human dignity (Bogokhuľstvo 2011: 2). At the same time, however, this protection should not prevent non-believers from expressing their outlook or engaging in discussions between the two groups (Bogokhuľstvo 2011: 2).³⁸¹ In this regard, criticism of religion, unlike

380 «Теперь все чаще объектом правовой защиты становятся не сами религиозные представления, а *права* и законные интересы верующих, их *достоинство* и религиозные *чувства*. Подобная ситуация в современном праве обосновывается необходимостью обеспечения одинаковой *правовой защиты* представителям различных мировоззрений в условиях общества, состоящего из последователей различных религий и нерелигиозных людей, а также представлением о том, что гражданское право не может входить в дискуссии о религиозной истине, вторгаясь тем самым в сферу богословия» [“At present, more and more often the object of legal protection become not religious ideas *per se*, but *rights* and lawful interests of believers, as well as their *dignity* and religious *feelings*. This situation in modern law is stipulated by the necessity to provide equal *legal protection* for representatives of different religious outlooks in society consisting of followers of various religions and of non-religious people, and the idea that civil law cannot engage in discussions about religious truth, thus intruding into the sphere of theology”]. (Italics mine).

381 «В то же время защита религиозных понятий верующими не препятствует выражению иными людьми своих убеждений, а также дискуссиям между представителями различных религиозных и *нерелигиозных* мировоззрений. Под предлогом противодействия богохульству или диффамации религии не должны преследоваться люди, допускающие *критику* тех или иных религиозных мировоззрений» [“At the same time, protection of religious notions by believers does not prevent other people from expressing their convictions, or from discussions between representatives of various religious and *non-religious* worldviews. People

slander or defamation, is recognized as lawful in the post-secular/post-religious paradigm (Bogokhul'stvo 2011: 2). In return, the ROC expects a similar attitude to religious players from secular actors (Bogokhul'stvo 2011: 2).³⁸²

The document defines slander through reference to secular law: slander implies dissemination of information that is *a priori* false, whereby the person participating in such dissemination is aware of its twisted character (Bogokhul'stvo 2011: 2).³⁸³ Slander humiliates human dignity and blemishes one's reputation, let alone it entails possible violations of applicable law by those who are innocent. Therefore, the ROC as a legal entity representing her individual members should be subject to legal protection (Bogokhul'stvo 2011: 2). Fulfilling the "supernatural" precondition set forth for public statements and/or actions to count as religious (see section 1.9), the ROC underlines that her canon law targets what she views as transcendent repercussions of blasphemy:

People who commit blasphemy and slander God and the Church cause great and sometimes irremediable damage to themselves, dooming their souls to the *eternal suffering*. Besides, they seduce other people who vacillate in faith, involving them in blasphemy, in agreement with slander and proliferation of slander and blasphemy. They also try to

criticizing certain religious worldviews should not be prosecuted under the pretext of opposing blasphemy or defamation of religion"]. (Italics mine).

- 382 «При этом необходимо следование принципам взаимоуважения, честности и корректности в межрелигиозных и мировоззренческих диалогах. Отношение к другим убеждениям не должно выражаться языком оскорблений и унижений, соединяться с подменой понятий, фальсификациями, призывами к применению насилия к людям, исповедующим иные взгляды» ["Along with that, it is necessary to observe the principles of mutual respect, honesty, and correctness in interreligious and worldview dialogues. An attitude to different convictions should neither be expressed in a language of insult and humiliation, nor should it be associated with a substitution of notions, with falsifications, and with appeals to use violence against those people who have different views"].

- 383 «Под клеветой в светском праве подразумевается распространение в устной и/или письменной форме, а также в виде изображения, сведений об одном или нескольких лицах, их действиях, в том числе высказываниях, или о присущих им качествах, а также иных сведений, которые являются заведомо ложными, при том, что распространивший их человек осознает несоответствие или возможность несоответствия действительности сообщаемых им сведений» ["Secular law defines slander as dissemination of information in written or oral form, as well as images concerning one or more persons, their actions, including statements, or their attributes, and other information, which is deliberately false; and the person disseminating it is aware of the fact that his/her information does not comply or may not comply with reality"]. (Italics mine).

plant the seeds of confusion in the souls of feeble Orthodox Christians, sometimes shaking their faith in God and in the Church [...]. (Bogokhul'stvo 2011: 3)³⁸⁴

The quoted discourse on the supernatural connection and the need to avoid the “eternal damnation” urges the faithful to respond to cases of public blasphemy (Bogokhul'stvo 2011: 3). The utmost measure applied to believers in this context is excommunication, carried out by resolutions of Bishops' Councils, the Holy Synod, or diocese courts (Bogokhul'stvo 2011: 3.1). Regarding the non-believers involved in acts of blasphemy, the document provides for a number of solutions, such as a personal positive example of “righteous life” of the Orthodox (Bogokhul'stvo 2011: 3). In cases of unconscious acts of blasphemy, it is advised to talk to perpetrators both in private and/or in public about the matter and its harmful eschatological consequences (Bogokhul'stvo 2011: 3). Public discussions and recanting may involve both secular and ecclesiastical mass media. In cases of on-purpose blasphemy, it is allowed to appeal to secular justice, *inter alia*, under Article 282 of the Criminal Code of the Russian Federation “Incitement of Hatred and Enmity.”³⁸⁵ In any way, public actions directed against blasphemy must comply with Church canons and official documents (Bogokhul'stvo 2011: 3.2).

At the same time, the provision reveals some typical mistakes in the Russian language, in general, and in modern legal parlance, in particular. For example (Ponomariov 2013), the document envisages “appealing, in the established legal order, to state authorities for solving the conflict, as well as for preclusion and punishment of actions that aim at defiling religious symbols and insulting the

384 «Лица, которые богохульствуют и клеветуют на Бога и Церковь, причиняют великий, иногда непоправимый, вред самим себе, обрекая свои души на вечную муку. Кроме того, они соблазняют людей, колеблющихся в вере, вовлекая их в богохульство, в согласие с клеветой и распространение клеветы и хулы. Пытаются они всясть семена смущения и в душах немощных из числа православных христиан, иногда колебля их веру в Бога и в Церковь [...]». (Italics mine).

385 «Требование возбудить уголовное дело за клевету, оскорбление, а в случае распространения клеветнических сведений о неопределённом круге лиц по признаку отношения к православному христианству – требование возбудить уголовное дело по факту возбуждения религиозной вражды и унижения человеческого достоинства по признаку отношения к религии» [“To demand criminal proceedings against slander and insult, and, in case of dissemination of slanderous information about an unidentified group of persons on the grounds of belonging to Orthodox Christianity, to demand criminal proceedings on incitement of religious enmity and humiliation of human dignity on the grounds of religious affiliation”].

feelings of believers, if these [actions] are illegal” (Bogokhul'stvo 2011: 3.2).³⁸⁶ Chasing legal clarity, the authors and the bishops, who voted for the document, achieved exactly the opposite: according to their text, actions that aim at defiling religious symbols and insulting the feelings of believers can be legal. Besides, given that the document distinguishes between blasphemy and criticism, the definition of “blasphemy” and “criticism” remains an apple of discord. The recent canon law discourse demonstrated that the performance of *Pussy Riot* in the Cathedral of Christ the Savior in 2012 split public opinion into mutually exclusive camps, whereas some Orthodox thinkers took it as criticism exercised in a post-modernist way.

5.12. Public Orthodoxy and Elections (2011)

Another case of public Orthodoxy was a provision on participation in election campaigns, adopted in February 2011, including both public statements and practice: *The Practice of Statements and Actions of the Hierarchs, Clergy, Monks, and Laymen during Election Campaigns. The Problem of Nomination of Clergy Candidates in Elections* (Практика заявлений и действий иерархов, духовенства, монашествующих и мирян во время предвыборных кампаний. Проблема выдвижения духовенством своих кандидатур на выборах). The document grants permission to Church representatives to cooperate with political parties and politicians. At the same time, a distinction is made between cooperation and political support. Moreover, priests and monks may not be nominated for public service and partake in election campaigns (Vybory 2011).³⁸⁷ The clergy may not be public servants in organs of executive and judicial power (Vybory 2011).³⁸⁸

386 «Обращение в установленном законом порядке к органам государственной власти для разрешения конфликта, а также для пресечения и наказания действий, направленных на осквернение религиозных символов и на оскорбление чувств верующих, если таковые носят противозаконный характер».

387 «Недопустимо участие лиц в священном сане и монашествующих в предвыборной агитации и их членство в политических организациях. Лица в священном сане и монашествующие, занимая определённую политическую позицию, выражают её свободным тайным голосованием» [“Participation of persons of the sacred rank and of monks in election campaigning, as well as their membership in political organizations is *inadmissible*. Persons of the sacred rank and monks, having a certain political position, shall express it through a free and secret ballot”]. (Italics mine).

388 «Необходимо повсеместное осуществление решений Архиерейских Соборов и Священного Синода, согласно которым иерархи и священнослужители не

However, it also makes exceptions to the rule, allowing participation of the clergy in elections in certain cases (Vybory 2011).³⁸⁹ In every single case, the Holy Synod defines who exactly can be permitted to participate in elections. This is an explicit exception to the rule compared to rather implicit options mentioned in the earlier document on the matter (see section 5.6.3). However, the exception does not imply membership in political parties, which is forbidden for the clergy (Vybory 2011).

Laymen, on the contrary, have no limitation in this respect, except for the persons working at Church departments, in which case they need a special blessing (Vybory 2011). Neither monks nor the clergy are allowed to make public statements on behalf of the Church in support of political doctrines, parties, or ideas (Vybory 2011).³⁹⁰ It is also forbidden for the clergy to proclaim their own political convictions from the ambo or lease the Church premises, ostensibly non-liturgical, to hold politically charged events (Vybory 2011). On the other hand, the ROC stresses that non-participation in the political discourse should not be construed to mean that the ROC distances herself from the public sphere,

могут выдвигать свои кандидатуры на выборах в органы представительной власти любых уровней (наднациональные, общегосударственные, региональные, местные)» ["It is necessary that the decisions of the Bishops' Councils and the Holy Synod be implemented across the board, according to which hierarchs and priests *may not* be nominated during elections to organs of representative power of all levels (supranational, national, regional, and local)"]. (Italics mine).

389 «Когда избрание иерархов или духовенства в законодательный (представительный) орган власти вызвано необходимостью противостоять силам, в том числе раскольническим и иноконфессиональным, стремящимся использовать выборную власть для борьбы с Православной Церковью» ["When election of hierarchs or priests to a legislative (representative) organ of power is stipulated by the need to resist forces, including schismatic and hetero-confessional forces, intending to utilize the elective power in order to fight the Orthodox Church"].

390 «Священнослужители и монашествующие *не имеют права* заявлять о поддержке всей церковной полнотой какого-либо государственного строя, какой-либо политической доктрины, какой-либо партии или политического лидера. Священнослужителю, монашествующему или мирянину, выражающему собственные политические убеждения, следует говорить только лично от себя или от имени той или иной группы единомышленников, но не от имени Церкви» ["Priests and monks *have no right* to make statements of support by the Church plethora of any state order, political doctrine, party, or political leader. Priests, monks, or laymen expressing their own political convictions should speak exclusively on their own behalf or on behalf of a group of like-minded people, but not on behalf of the Church"]. (Italics mine).

nationally or internationally. On the contrary, the ROC as a non-partisan actor reserves a right to criticize and provide moral evaluation of such events and developments (Vybory 2011). Moreover, during election campaigns, the Church feels the need to call for fair and peaceful procedures and conscious voting of citizens. The ROC's position in the document is thus a position of an arbiter who attempts to stay above (yet not beyond) the political struggle and embrace all the parties involved.

Modern canon law considers both general and specific election-related aspects of public Orthodoxy. The ROC believes that free and voluntary public activities, directed towards life improvement, are the ostensible good (Obshchestvennaia 2011: 1). She admits that at present these activities can manifest themselves in a rich variety of ways (Obshchestvennaia 2011: 1). As a result, an Orthodox believer may partake in the public sphere with all its diversity and, in line with the post-secular/post-religious mindset, freely cooperate with people of other convictions (Obshchestvennaia 2011: 1). It is underlined, though, that the Orthodox must do so in compliance with Orthodox tradition and the Scripture; they should not provoke anyone or harm society or a person (Obshchestvennaia 2011: 1). Fulfilling the prerequisite of the religious discourse, the document explicitly states that the motivation of public Orthodox involvement, despite collateral reservations concerning the unacceptability of public degradation or collapse of statehood, is a possibility to “testify before the outer world about Christ the Savior” (Obshchestvennaia 2011: 1).³⁹¹ With a referral to Apostle Paul (cf. 1 Cor 11), it is stated that the clergy must respect freedom of opinion of others (Obshchestvennaia 2011: 1). Public organizations, identifying themselves as Orthodox, may receive Church's “blessing,” especially if they coordinate their activities with the Church leadership (Obshchestvennaia 2011: 2). The permission, however, can be withdrawn in case of contradictions between the organization and canon law or the Church leadership (Obshchestvennaia 2011: 2). Interestingly, in this case, the document stipulates that both the flock and civil society in general should be informed of the changes (Obshchestvennaia 2011: 2).

Public Orthodox activities also imply a ban on cooperation with some groups, whose goals contradict the Church doctrine: “An Orthodox Christian may not be either a member of such unifications or even cooperate with them” (Obshchestvennaia 2011: 3).³⁹² This is a clear red line. Nevertheless, the ban does not prevent the

391 «Общественная деятельность – это прямая возможность для христианина свидетельствовать перед внешним миром о Христе Спасителе».

392 «Православный христианин не может состоять в подобных общественных объединениях и даже сотрудничать с ними».

Orthodox from engaging in a “public dialogue,” that is, explanation, denunciation, or admonition (Obshchestvennaia 2011: 3). It would be logical to suppose that the unifications include, for instance, pro-abortion and pro-LGBT movements. It is clear that the ROC, although setting certain red lines in her model of modernity, does not refrain from public engagement *per se*, even if it sometimes implies disagreement. Overall, the Church sees her ideal of public activities in the words ascribed to St. Serafim of Sarov († 1833): “Get a peaceful spirit, and thousands will be saved around you” (Obshchestvennaia 2011: 4).³⁹³ This soteriological mindset, incorporated in the modern order of things, is believed to help bring Christian values into all spheres of life (Obshchestvennaia 2011: 4), gradually directing post-secular society towards the supernatural and transcendental perspective.

5.13. Russian Orthodox “Colonialism” and Small Peoples (2011)

The so-called small peoples (in number) can be viewed both as a demographic solution and as a case within the broader ecological doctrine of the ROC (see section 5.19). In particular, the ROC’s document *On Life and Problems of Indigenous Small Peoples* (*О жизни и проблемах коренных малочисленных народов*), adopted in February 2011, exemplifies what the ROC later expressed by the “spiritual restoration of man and society” (Ekologiiia 2013). On the other hand, it elucidates the connection between secular and canon law in the ROC’s doctrine. Represented by the highest canon law body, the Bishops’ Council, the ROC set forth an argument: “God gives every person individual abilities, whose development leads to getting to know the sense of one’s earthly life. In a similar way, every nation/people initially receives originality and should develop it throughout its history, and thus fulfill its historical predestination” (Mal’ev 2011: 79).³⁹⁴ This argument exploits the device of metonymy, extrapolating the features of an individual onto the notion of nation. The very statement that every nation/people has its own historical mission is problematic, because it takes the subject for granted and neglects the modern approach to a nation’s genesis. Namely, the dominant modern Andersonian concept that a nation can be constructed (Anderson 2003),

393 «Сяжи дух мирен, и тысячи вокруг тебя спасутся».

394 «Каждому человеку Бог дарует индивидуальные способности, раскрывая которые, он обретает смысл своей земной жизни. Подобно этому каждый народ изначально получает свою самобытность, каковую должен раскрыть на протяжении своей истории и таким образом исполнить своё историческое предназначение».

finds no reflection in the document. For the ROC bishops, who voted for the provision, peoples/nations have always existed *ipso facto*. Moreover, the document states: “every big nation is responsible for the existence and development of small ones” (Malye 2011: 79).³⁹⁵ In addition,

[t]here are many nations/peoples on earth. Each of them has its traditions, culture, and way of life. Some of them account for millions of people. Others account for thousands and hundreds. However, the Lord Jesus Christ sends out His servants commanded to “go out there and teach all nations, baptizing them in the name of the Father, the Son, and the Holy Ghost” (Mt 28: 19). For God, all nations are equal, and the value of each of them is great in God’s eyes. (Malye 2011: 79)³⁹⁶

Despite that, by ascribing specific features to small peoples and appealing to the flock to support them, the ROC helps construct these peoples in accordance with the ascribed features. However, what is the motivation of the ROC behind her interest to small peoples? The document contains a few premises on that score. One of them is: “Indigenous small peoples have high *natural morality*. They are characterized by hospitality, kindness and generosity, and a serious approach to family creation. Orthodoxy is deeply rooted among them partially due to this compliance with the character of many indigenous peoples” (Malye 2011: 79).³⁹⁷ The listed features view small peoples as ROC allies in terms of traditional Christian values centered around the institution of family. It is questionable whether small indigenous peoples are indeed as moral, kind, and hospitable as the ROC portrays them. The picture reminds more of the “noble savage” type popularized by the Enlightenment literature in the 18th century. It would be interesting to trace whence exactly comes this premise.³⁹⁸ Close relations between the last Russian Tsar, Nikolai II,

395 «На каждом великом народе лежит ответственность за существование и развитие народов небольших».

396 «На Земле живёт множество народов. У каждого – свои традиции, культура, образ жизни. Некоторые из них насчитывают миллионы людей. Численность других измеряется тысячами или сотнями. Но Господь Иисус Христос посылает Своих служителей с заповедью идти и научить “все народы, крестя их во имя Отца и Сына и Святаго Духа” (Мф 28: 19). У Бога все народы равны, и ценность каждого из них велика в очах Божиих».

397 «Коренные малочисленные народы обладают высокой *естественной нравственностью*, отличаются гостеприимством, добротой и щедростью, серьёзным подходом к созданию семьи. Отчасти благодаря этому созвучию с характером многих коренных народов так глубоко пустило среди них свои корни Православие». (Italics mine).

398 For instance, Dirk Uffelman argues (2012: 88) that Russia caught up with this tradition through Russian literature that turned a “noble savage” into a “good peasant,”

and Grigorii Rasputin, a peasant from Siberia, tops out this pattern.³⁹⁹ If anything, the outlined idea of natural morality and pro-Christian character contradicts the cornerstone concept of original sin and its implications in man. Nevertheless, the ROC is concerned about the acute social dimension of the said problem, looked at from the governmental, rather than ecclesiastical, point of view (Mal'ye 2011: 79).⁴⁰⁰ In such a stance, the ROC exhibits supra-ecclesiastical ambitions.

However, behind it, the main concern of the Moscow Patriarchate seems to be its canonic territory (cf. section 6.2). It is non-Orthodox and “non-traditional” religions that stimulate the activities of the Moscow Patriarchate in this regard.⁴⁰¹ Interestingly, the latter are coupled in the text with both Western and Russian mass culture and its negative impact. The Church expresses other non-ecclesiastical concerns related to small peoples, such as “preservation of their local and tribal

starting with Aleksandr Radishchev and his famous book *Путешествие из Петербурга в Москву* (A Travel from St. Petersburg to Moscow, 1790). In particular, Radishchev forewent the idea of Lev Tolstoi that the upper classes should learn how to be moral from peasants (Uffelman 2012: 88): «Здесь Радищев уже прямо предвосхищает идею Льва Толстого о том, что высшие сословия должны учиться у крестьян нравственности». In turn, Tolstoi, whose works have bright images of “good peasants,” was influenced by Rousseau.

399 I owe this observation to Dirk Uffelman who mentioned it in a private communication. I leave out the modern discourse on whether Rasputin was “good” or “evil,” as irrelevant.

400 «Люди в большом количестве начали покидать обжитые места, рождаемость опустилась ниже критической отметки, устойчиво сокращается продолжительность жизни. В сёлах стали процветать безработица и пьянство. С динамикой роста смертности, как правило, совпадает динамика роста преступности» [“People started leaving in droves the inhabited areas, and the birth rate decreased below the critical mark. Life expectancy keeps decreasing steadily. In villages, there flourish unemployment and alcoholism. The upward dynamics of crimes overlaps, as a rule, with the upward dynamics of the death rate”].

401 «В последние годы заметно возрос интерес к коренным малочисленным народам со стороны иностранных религиозных организаций и “новых религиозных движений”. Губительное воздействие оказывает та часть иностранной и, к сожалению, отечественной массовой культуры, которая пропагандирует насилие, жестокость, иные пороки. Она становится причиной роста экстремизма и агрессии, психических расстройств, особенно среди молодёжи» [“Over the past years, the interest of international religious organizations and ‘new religious movements’ in small peoples has increased. The part of foreign and, unfortunately, national mass culture that propagates violence, cruelty, and other vices has a detrimental impact. It causes the growth of extremism and aggression, and psychological deviations, especially among youth”].

communities, traditional way of life, and respective occupations” (Mal’ye 2011: 79).⁴⁰² This clearly must be a voice of the government, not a religion. However, the Russian actualities demonstrate that the government remains indifferent, and the Church as a post-religious public actor feels obliged to remind the government of the subject matter. Moreover, continues the ROC, the *status quo* has to be corrected at the level of secular law and law enforcement (Mal’ye 2011: 80). This is a telling complementary invective: modern ROC canon law directly suggests a plan of public action to secular law, pushing the state in the desired direction.

The Church admits that, although the state has some solutions for small peoples, these solutions do not consider morality and spirituality that are thought to be decisive and most effective (Mal’ye 2011: 80). The ROC claims to have suggestions how to supplement the available state programs, given the Church’s experience in history. For that sake, she proposes complementary cooperation between the Church and authorities at various levels (Mal’ye 2011: 80).⁴⁰³ The ROC realizes that this program demands substantial funding, yet she is confident that the funds must be allocated if Russia is interested in its small peoples (Mal’ye 2011: 80). This should be a statement of a state agency.

In addition, the ROC offers to create joint working groups in the areas where small peoples reside; and for the Church, it is evident that the state alone cannot solve the problem of small peoples’ “spiritual improvement.” At the same time,

402 «Сохранение их местных и родовых сообществ, традиционного образа жизни и связанных с ними промыслов».

403 «Разработка и внедрение школьных предметов духовно-нравственного содержания [...]; помощь епархиальным управлениям в подготовке и переподготовке преподавателей духовно-нравственных дисциплин в общеобразовательных школах; приобретение, разработка и внедрение учебно-методических комплексов духовно-нравственного содержания; бесплатное распространение общедоступной литературы просветительского и апологетического характера, в том числе на языках коренных малочисленных народов; финансовая поддержка священников, окормляющих труднодоступные национальные посёлки коренных малочисленных народностей» [“Development and implementation of school subjects of spiritual and moral content [...]; assistance for diocese departments in preparation and further education of teachers of spiritual and moral disciplines at secondary schools; purchase, design, and implementation of teaching and methodological complexes of spiritual and moral content; free distribution of commonly accessible literature of enlightening and apologetic character, including in the languages of indigenous small peoples; financial support for the priests who serve in remote villages of indigenous small peoples”].

the Church requires state and public support for her work (Malye 2011: 81).⁴⁰⁴ The ROC points to the pre-Revolution experience, shared by the Church and the Russian state, when the latter used to help the Church “enlighten” small peoples, whereas the former assisted the state in “fostering love to the Homeland.” In it, the cherished ROC’s concept of “reloaded” symphony comes to the fore.

Besides, following Uffelmann who builds on Alexander Etkind, I suggest putting the ROC’s discourse on small peoples in the framework of both internal colonization and de-colonization, taken from various angles. The authors postulate an availability of cultural difference between the colonizers and the colonized as a precondition of internal colonization, whereby ethnic difference is irrelevant (Uffelmann 2012: 61). In our case, we have both cultural and ethnic distances within modern Russia: the ROC is predominantly ethnic Russian, and at the same time, she is culturally different. The domestic Soviet policy was understood by the Soviet leaders as a decolonization of the peoples from the colonizing Russian Empire that ended in a new – Soviet – colonization of the decolonized (Uffelmann 2012: 93). In return, the post-Soviet development was taken by the new elites of the 1990s as a decolonization from the Soviet past. Uffelmann writes that “we have no answers to the questions of historical frames of internal colonization – either on its beginning or, which is much more important from the practical point of view, on its ending” (Uffelmann 2012: 93).⁴⁰⁵

404 «Для организации этой деятельности необходима поддержка государственной власти на разных уровнях, а также предпринимательского сообщества. [...] для устойчивого развития этих народов необходимо полноценное сотрудничество Церкви и государства. В дореволюционное время государство помогало Церкви нести просвещение малочисленным народам, а Церковь, в свою очередь, прививала им не только знания, но и любовь к Отечеству. Сегодня настало время возродить традиции совместной работы Церкви и государства в деле сохранения и развития коренных малых народностей» [“In order to organize these activities, state and business support is required at various levels. [...] for a stable development of these peoples, a full-scale cooperation between Church and state is necessary. Before the Revolution, the state would always help the Church bring her enlightenment to small peoples. The Church in return fostered not only knowledge but also love to the Homeland. Today, it is the time to revive the traditions of cooperation between Church and state regarding the preservation and development of indigenous small peoples”].

405 «У нас нет ответов на вопросы об исторических рамках внутренней колонизации – о её начале и, что с практической точки зрения гораздо важнее, о её завершении».

I suggest viewing the policy of the Moscow Patriarchate on small peoples in this constellation as a new cycle of internal colonization, performed in order to mitigate and improve the consequences of post-Soviet decolonization from the Soviet heritage; that is, as a recolonization of the peoples who had been 1) decolonized in 1917 (from the Russian Empire), 2) then recolonized up until 1991 (in the USSR), 3) and thereafter again decolonized from the Soviet heritage (by the post-Soviet government). At present, however, the actor and initiator of the new wave of recolonization is not the state but the Church.

Furthermore, Uffelmann refers to Austin and his concept of speech acts (Uffelmann 2012: 75–77), which I find helpful. Namely, my idea is that the document on small peoples can be tackled as a perlocutionary speech act in Austin's terminology. The latter divides human speech activities into three basic acts: locutionary, illocutionary, and perlocutionary (Austin 1962: 108–109).⁴⁰⁶ Given that the document on small peoples aims at convincing or even causing the Russian authorities to “wake up” and act as internal colonizers, I see it as a metaphoric perlocutionary speech act. Moreover, Austin employs some other terminology: instead of speaking of “true” and “false” statements, he names the achieved effect “happy,” and the failed one “unhappy” (Austin 1962: 132). Whether the document on small peoples, as a perlocutionary speech act, will hit the target and thus become “happy,” when the government pays attention to this initiative, or whether it is doomed to “unhappiness” and oblivion, remains to be seen.

5.14. Drugs in Russia: A Tragedy of “Apocalyptic” Scale (2012)

It is clear from the previous chapters on small peoples, the AIDS problem, and demography that, among other things, the ROC is concerned about the demographic growth in Russia. A related document on drug addiction and rehabilitation was passed by the Holy Synod in December 2012, in which drug consumption is declared a “sin” (Narkozavisimye 2014: 529), and drug addiction – a chronic disease that is difficult to overcome (Narkozavisimye 2014: 528).

406 Perlocutionary speech acts imply the following: “What we bring about or achieve by saying something, such as convincing, persuading, deterring, and even, say, surprising or misleading. [...] We must distinguish the illocutionary from the perlocutionary act: for example we must distinguish ‘in saying it I was warning him’ from ‘by saying it I convinced him, or surprised him, or got him to stop’” (Austin 1962: 108–109).

The problem is manifested at biological, psychological, social, and spiritual levels (Narkozavisimye 2014: 528).

The incentive for the provision on drugs was a report of the Head of the Federal Service on Drugs Control, Viktor Ivanov, delivered in December 2010. Ivanov revealed the death toll connected with drug use in the Russian Federation: 100 000 persons die every year, mostly at the age of 15 to 30 years old (Ivanov 2010);⁴⁰⁷ this data was later corrected to 70 thousand people (Ivanov 2014a). According to the Service, the Russian Federation has 5 to 8 million drug users, many of whom depend on heroin supplied from Afghanistan through the ex-Soviet republics of Central Asia (Ivanov 2010), first of all through Tajikistan (Ivanov 2013a).⁴⁰⁸ In particular, the supplies to Russia of high-concentration heroin alone account for 30 tons per year (Ivanov 2014b). For Ivanov, this situation is an event of “apocalyptic” scale (Ivanov 2010). Patriarch Kirill, who was present at the report, called the death toll “an appalling number” that by far exceeds the losses of the USSR in the Afghan war (Ivanov 2010).⁴⁰⁹

407 «Из 130 тысяч ежегодно умирающих в России молодых людей в возрастном сегменте от 15 до 30 лет – подавляющая часть, порядка 100 тыс. человек, умирает по причинам, связанным с употреблением наркотиков» [“Out of 130 thousand annually dying young people in Russia, at the age of 15 to 30 years old, most of them, some 100 thousand people, die because of reasons connected with drugs consumption”].

408 «С 2001 года, после начала проведения силами войск объединенной коалиции на территории Афганистана операции “Несокрушимая свобода”, возник планетарный феномен афганского наркопроизводства. Сам Афганистан превращен в наркоферму, на которой транснациональная наркомафия производит более 90 процентов всего мирового объема опиатов. Это в два раза больше, чем 10 лет назад производил весь мир» [“Since 2001, after the united coalition troops began the Enduring Freedom Operation, there appeared a global phenomenon of the Afghan drugs production. Afghanistan was turned into a drugs farm where the transnational drugs mafia produces over 90% of the world’s opiates. This is two times more than the whole world used to produce ten years ago”].

409 «Это страшная цифра – более 100 тысяч наших соотечественников в расцвете лет погибают от наркотиков. Давайте вспомним, как потрясло советское общество впервые озвученная цифра потерь в афганской войне – 15 тыс. за все время ведения военных действий. 100 тысяч – каждый год от употребления наркотиков» [“This is an appalling number – over 100 thousand our countrymen in the prime of life die because of drugs. Let us recall how Soviet society was shocked by the divulged number of losses in the Afghan war – 15 thousand people over the whole time of the military operation. 100 thousand people – [die] every year because of drugs consumption”].

In discussing the problem, the ROC takes for granted the medical aspect thereof and readily uses modern medical language in her argumentation, such as “stable remission” (*устойчивая ремиссия*). The levels require a complex involvement of respective specialists; however, besides habitual secular agents such as doctors, psychologists, and social workers, Orthodox priests are added to the list (Narkozavisimye 2014: 529). The ROC’s document underlines a public effect of drug addiction, when an addicted person loses all social connections (Narkozavisimye 2014: 529). Besides, an addict becomes socially dangerous as he or she ends up being integrated into a vicious circle of drug dealership, prostitution, theft, and maybe even murder or suicide (Narkozavisimye 2014: 529).

These social problematics are further enhanced by a soteriological argument: the ROC appeals to the words of Apostle Paul that “drunkards do not inherit the Kingdom of Heaven” (1 Cor 6: 9–10),⁴¹⁰ which should imply the drug addicted as well (Narkozavisimye 2014: 530). The connection to afterlife is also confirmed by a declaration of the task of the ROC in dealing with the drugs problem; namely, drugs rehabilitation of the addicted is considered successful once he or she has acquired a distinct Christian motivation (Narkozavisimye 2014: 532). Unlike secular actors, the ROC does not view stable remission and restoration of the erstwhile social status alone as the goal of rehabilitation (Narkozavisimye 2014: 532).

Not denying methods developed by professionals, and appealing to both national and international experience, especially if it complies with moral principles that “guarantee dignity of individuals” (Narkozavisimye 2014: 531),⁴¹¹ the ROC nevertheless prefers a rehabilitation system with focus on Orthodox anthropology and ascetics (Narkozavisimye 2014: 531).⁴¹² Here, the Church equates human dignity with Christian morality. However, distinguishing “national experience”

410 “Ὁ οὐκ οἶδατε ὅτι ἄδικοι θεοῦ βασιλείαν οὐ κληρονομήσουσιν; μὴ πλανᾶσθε. [...] οὐ μέθυσαι [...] βασιλείαν θεοῦ κληρονομήσουσιν.”

411 «Церковь допускает использование методик из опыта отечественной наркологии, форм и методов, разработанных в других странах, если они находятся в согласии с нравственными принципами, гарантирующими благо и *достоинство* человеческой личности» [“The Church admits the use of methods from the experience of national narcology, and forms and methods developed in other countries, if they are in agreement with the moral principles that guarantee welfare and *dignity* of human personality”]. (Italics mine).

412 Cf.: «Что касается количества излечиваемых, то, по данным ООН, их число в мире достигает чуть более 20 процентов. [...] В некоторых реабилитационных центрах, особенно тех, которые патронирует Русская православная церковь, излечивается 80–90 процентов обратившихся» [“Concerning the quantity of those cured, as per the UN Organization, their share in the world is slightly over

from “foreign methods” with regard to science is strange, as if Russian science achievements were more “moral,” and not “neutral.” This is an example of “false patriotism,” since science is international, or supranational, for that sake: it does not matter who invents what because all humankind eventually uses the invention. To draw a vivid parallel: it does not matter where the Church Fathers come from – be it Greece, Syria, Egypt, or Russia – once their contribution is accepted by the “Church plethora.” The ROC should rather speak of the “best,” or “cutting-edge,” achievements of science.

Orthodox ascetics and anthropology regarding the addicted are further explained as their fully-fledged spiritual (liturgical) life in a regular Orthodox parish (Narkozavisimye 2014: 532–533). Combined with modern medical, psychological, and social knowledge, and methods of overcoming the addiction (Narkozavisimye 2014: 533), as well as cooperation with state and society, including the mass media (Narkozavisimye 2014: 538), the ROC demonstrates a rather open and inclusive position with regard to the drugs problem.

5.15. Circular Letters as Canon Law (2012)

According to a widely spread Orthodox grassroots prejudice, the ROC favors the first names only from the applicable Church calendar (*святцы*): these include mostly biblical, Greek, and Roman names of canonized saints (for example, Ioann, Mariia, Aleksandr, etc.). A circular letter of the Moscow Patriarchy’s head office, issued in August 2012, and later reposted by an Orthodox priest (Imena 2012), which is of binding canonic force, describes the current situation as problematic.

20%. [...] In some rehabilitation centers, especially in those under the auspices of the Russian Orthodox Church, 80–90% of those who call in get cured” (Ivanov 2013b)].

Figure 6: A circular letter of Metropolitan Varsonofii, Head of Executive Office of the Moscow Patriarchy (Imena 2012)⁴¹³



ВСЕМ ЕПАРХИАЛЬНЫМ ПРЕОСВЯЩЕННЫМ РОССИЙСКОЙ ФЕДЕРАЦИИ

В Московскую Патриархию поступают письма, в которых обращается внимание на случаи отказа в литургическом поминовении и участии в Таинствах по отношению к тем православным верующим, которые крещены в других Поместных Православных Церквях (например, в Болгарской, Грузинской, Румынской, Сербской, Финляндской и т.д.) с наречением имен, отсутствующих в месяцеслове Русской Православной Церкви.

В традициях некоторых Поместных Церквей допускается при крещении нарекать младенцев национальными именами, отсутствующими в церковных месяцесловах.

В связи с вышеизложенным по благословению Его Святейшества, Святейшего Патриарха Московского и всея Руси КИРИЛЛА напоминаю о том, что не следует допускать каких-либо ограничений в богослужебном поминовении и допущении к Таинствам Церкви для верующих, носящих национальные имена и крещенных в других Поместных Православных Церквях.

Прошу донести данную информацию до настоятелей монастырей и приходов вверенной Вам епархии.

С любовью о Господе,

управляющий делами
Московской Патриархии
митрополит Саранский и Мордовский

+ Варсонофий

413 Translation of the resolution part: "Upon the blessing of His Holiness, the Most Holy Patriarch of Moscow and all Rus' Kirill, I remind you that there should be no limitation concerning the liturgical remembrance and permission to participate in the Sacraments of the Church for those believers who have national names and who were christened in other Local Orthodox Churches."

It turns out that the Orthodox baptized in other LOCs, whose first names find no correspondence in the ROC's calendar, are often deprived of sacraments and liturgical commemoration in the ROC (Tsirkuliar 2014a: 27). Their first names are standard in traditions of their LOCs, but they are seen as "profane" and therefore liturgically "unacceptable" by some Russian Orthodox priests. In this connection, we deal with a specific understanding of the phenomenon of name that can be approached through the mediatization theory, according to which a name is perceived as a special sacred "institution" that may not be avoided or replaced (Lundby 2013; Campbell 2010: 44–49).

Similar to the status of the Church Slavonic language (see Ponomariov 2015a, 2016), the name given in baptism, in Russian Orthodox tradition, is often perceived as a certain sacred reality. The existence of other names in other LOCs is taken in this regard as a profanation of the Orthodox faith. The response of the Patriarchy, in the form of a strict circular letter, confronts this approach and reminds all of different traditions, which have to be accepted within the ROC community, too. The ROC leadership, although not explicitly debunking the Russian mediatization mindset, is nevertheless inclined to perceive the name phenomenon rather as a mere conduit of information.

It is noteworthy that the protagonist of the latter approach is Patriarch Kirill himself (Tsirkuliar 2014a: 28). In line with Kirill's instruction, the official position of the ROC is to eliminate restrictions regarding national names of the Orthodox from other LOCs. It is also interesting that this modern stance did not require a Bishops' Council or a Holy Synod resolution: it confined itself to a top-down circular letter. In addition, we can trace how a decree from Moscow is implemented *in loco*: after bishops receive a Moscow directive in their dioceses, they must forward it further to parish priests who inform their parishioners (cf. Orsk 2012).⁴¹⁴ Metropolitan Varsonofii, Head of the Moscow Patriarchy's Office,

414 «Преосвященный Ириней, епископ Орский и Гайский, по просьбе управляющего делами Московской Патриархии митрополита Саранского и Мордовского Варсонофия, доводит до сведения настоятелей приходов Орской епархии информацию о том, что не следует допускать каких-либо ограничений в богослужбном поминовении и допущении к Таинствам Церкви для верующих, носящих национальные имена и крещённых в других Поместных Православных Церквях» [“The Eminent Irinei, Bishop of Orsk and Gai, at the request of the administrating manager of the Moscow Patriarchy, Varsonofii, Metropolitan of Saransk and Mordoviia, is forwarding for the attention of the parish priests in charge of the Orsk diocese the following information: there should be no limitation whatsoever pertaining to the liturgical use and permission to partake

released a similar circular letter in February 2014. It pertained to the political crisis in Ukraine, when President Yanukovich was about to leave the capital city of Kiev in February 2014, and aimed at provision of support to the Ukrainian Orthodox community. The circular was uploaded on the official website of the ROC and contained a prayer request binding for all subdivisions of the Moscow Patriarchate (see Tsirkuliar 2014b).⁴¹⁵ It can be seen in both examples that the canonic force proceeded from one person and was mediated by a circular letter. In many respects, this genre appears to be more efficient than complex concepts, since orders from above must be fulfilled without deliberation. Nevertheless, the instrument has its limits, too, and it must not violate certain rules perceived by the ROC subordinates as self-evident.

5.16. The ROC's Statute as Canon Law (2013)

The applicable version of the Statute of the ROC was adopted in 2000, under Patriarch Aleksii II, and then it was revised under Kirill in 2011 and in 2013.⁴¹⁶ The Statute is the last of the four canonic foundations of the Church activities. These are the Holy Scripture and Tradition; the canons of the Ecumenical Councils, ancient Church Fathers, and Local Councils; provisions of Russian Local

in the Sacraments for believers with national names and baptized in other Local Orthodox Churches”].

415 «В епархии всей полноты Русской Православной Церкви. Епархиальным Преосвященным. По благословению Святейшего Патриарха Московского и всея Руси Кирилла прошу дать указание огласить за Божественной литургией 23 февраля с.г. во всех храмах вверенной Вам епархии препровождаемое при сем Патриаршее обращение к полноте Русской Православной Церкви в связи с событиями на Украине. Также за Божественной литургией во всех храмах надлежит присовокупить к сугубой ектении особые прошения, вознести молитву о мире на Украине и совершить заупокойную ектению с включением дополнительного прошения. Текст молитвословий прилагается» [“To dioceses of the plethora of the Russian Orthodox Church. To the Reverend ones of the dioceses. Upon the blessing of the Most Holy Patriarch of Moscow and All Rus’ Kirill, I request that you order to divulge at the Divine Liturgy of this February 23 in all temples of your diocese the patriarchal appeal to the plethora of the Russian Orthodox Church, attached hereto, in connection with the events in Ukraine. Besides, at the Divine Liturgy, all the temples shall add special prayers to the Litany of the fervent Supplication, [namely], to perform a prayer for peace in Ukraine and a requiem litany with an additional petition. The text of the prayers is attached”].

416 In 2016, the Statute was slightly amended in terms of a few formalities (see Ustav 2016).

and Bishops' Councils, and resolutions of the Holy Synod and the Patriarch of Moscow (Ustav 2013: I.4).

In the opening paragraph of the Statute, the ROC defines herself as a multi-ethnic LOC⁴¹⁷ – a strange expression from the traditional point of view that never considered the ethnic fabric of believers. Instead of ethnicity, it has always been dogmas and ritual that mattered most. However, modernity dictates new rules, and today, the ROC as a public actor in the ethnicity-sensitive environment feels the need to declare her compliance with them. Besides, the referral to multiethnicity highlights another problem of modern Orthodoxy. The ROC feels quite uneasy about the official adjective “Russian” in her title as if it pertained to the ethnic aspect only. The ROC leadership is well aware of the fact that the expression “Russian Orthodox” in some countries of her canonic territory and even in the Russian Federation causes negative national allusions: if ethnic Russians take it for granted, some believers or even non-believing citizens belonging to other ethnic groups may have wary feelings in this regard. In addition, the referral to the multiethnic character of the Church is reminiscent of similar invectives in the Constitution of the Russian Federation (cf. Article 3), and it can be an element of the policy of Patriarch Kirill. The situation with the Church title could be potentially solved through shifting more weight onto the geographical center of the earthly Church, that is, Moscow (= *The Moscow Patriarchate*), which thus acquires a traditional sounding. Nevertheless, the Moscow affiliation nowadays is also capable of arousing negative allusions, such as in the Ukrainian case, that are not weaker than those connected with the title “Russian.”

The Statute defines the following supreme organs of power and administration of the ROC (Ustav 2013: I.7): the Local Council (*Поместный Собор*), the Bishops' Council (*Архиерейский Собор*), the Holy Synod (*Святейший Синод*), and the Supreme Church Board (*Высший Церковный Совет*). The Local Council has supreme power in terms of electing the Patriarch and granting autonomy to “sub-national” Churches; it also formulates positions on crucial internal and external issues, including relations with state and society on the canonic territory of the ROC (Ustav 2013: II.5). It consists of both the clergy and laymen, and stands higher than the Bishops' Council, as it can request revision of some doctrinal or canonic provisions of the latter.

The Bishops' Council consists of bishops only (including vicars) and has supreme power mostly in terms of doctrinal, canonic, liturgical, and pastoral issues.

417 «Русская Православная Церковь является многонациональной Поместной Автокефальной Церковью».

In particular, it is empowered to interpret canons “in a competent way” (Ustav 2013: II.5). The Council is also the supreme court of last resort, which, within the framework of the Local Councils, oversees possible canonical and doctrinal deviations of the Patriarch (Ustav 2013: II.6). It means that if the Bishops’ Council rules that it has found no doctrinal or canonic deviations or transgressions in activities of the incumbent Patriarch, there is no other Church organ to appeal such a ruling.

The Holy Synod is an interim administrative body in-between Bishops’ Councils that usually approve (or, rather in theory, reject) its provisions and activities *post factum*. The Synod is accountable to the Bishops’ Council through a keynote report of the Patriarch (Ustav 2013: III.2), who is the Chairman of the Council. Apart from the Patriarch, the body consists of nine constant and five interim members (Ustav 2013: III.3). Among other things, the Holy Synod is empowered to interpret canons and problems that arise in connection with their application (Ustav 2013: III.25), as well as to make conclusions on questionable paragraphs of the Statute (Ustav 2013: III.32). Overall, the Holy Synod is an interim and reduced copy of the Bishops’ Council.

The Patriarch and the Holy Synod have an executive organ called the Supreme Church Board. It consists of heads of sixteen Synod departments (Ustav 2013: VIII.6),⁴¹⁸ and its main task is to control educational, administrative, social, and informational activities of ROC’s subdivisions (Ustav 2013: VI.3). The Patriarch of Moscow and all Rus’ is, first and foremost, the bishop of Moscow (Ustav 2013: IV.9). He is not different from the other ROC bishops in this connection: his post is traditionally defined as “priority of honor” (Ustav 2013: IV.2). The power of the Patriarch is nevertheless enormous, comprising over thirty positions (Ustav 2013: IV.7, 10). In the Statute, the chapter dedicated to the Patriarch follows the chapters on the Local and Bishops’ Councils, but precedes the chapter on the Holy Synod, although the Patriarch is formally a presiding member of the latter (Ustav 2013: IV.4).

The amendments in the Statute between 2000 and 2011 are quite ordinary. However, the changes between 2011 and 2013 are eloquent and point to a shift in canonic thinking of the ROC leadership under Kirill. Overall, the changes reveal an obscure legal language. The final redaction looks complicated and vague,

418 The departments are: Department of Affairs, Department of External Church Relations, Publishing Council, Teaching Committee, Financial Department, Department of Monasteries, Religious Education Department, Charity and Social Service Department, Missionary Department, Military and Law-Enforcement Cooperation Department, Youth Department, Church and Society Cooperation Department, Informational Department, Prison Department, Cossacks Cooperation Department, Culture Council.

when different provisions parallel each other with virtually the same meaning. Was it the goal of the text authors to baffle readers and complicate interpretation? As we have seen, complications connected with Statute interpretation are subject to Holy Synod's deliberation. Consisting of a few members well familiar with each other, the latter have all strings to pull.

Besides, the positions of the Patriarch in the Statute receive an indirect yet substantial enhancement. In particular, new entries were made specifically concerning the Local Council, the Bishops' Council, the Holy Synod, and the Patriarch. Their interrelation in the new redaction redefines the power constellation within the ROC in favor of the Patriarch. The Statute provides that "the supreme organs of Church power and administration are the Local Council, the Bishops' Council, the Holy Synod headed by the Patriarch of Moscow and all Rus'" (Ustav 2013: I.7).⁴¹⁹ In 2011, the Local Council was defined as "supreme authority in the field of doctrine and canonic organization" (Izmeneniia 2013: 41).⁴²⁰ In 2013, this simple and clear wording was altered by a complex paragraph (Izmeneniia 2013: 41–42),⁴²¹ in which the Local Council is presented rather as an instrument of administrative issues. The canonic and doctrinal weight is shifted onto the Bishops' Council that is also in charge of convening the Local one, when/if it deems it appropriate, including formation of its structure (Izmeneniia 2013: 42).

The key point of the Local Council is election of the Patriarch who thus gains a crucial meaning for the ROC. On the other hand, although the Bishops' Council is the supreme court of last resort, the Patriarch can be judged by it only within the framework of the Local Council. It means, for example, that in order to dismiss the Patriarch for hypothetical dogmatic deviations, the Bishops' Council has to take place simultaneously with the Local Council, which is problematic due to the complicated procedure. This constellation gives the Patriarch enough

419 «Высшими органами церковной власти и управления являются Поместный Собор, Архиерейский Собор, Священный Синод во главе с Патриархом Московским и всея Руси».

420 «Высшая власть в области вероучения и канонического устройства».

421 «Поместному Собору принадлежит высшая власть в Русской Православной Церкви в вопросах избрания Патриарха Московского и всея Руси и ухода его на покой, предоставления автокефалии, автономии или самоуправления частям Русской Православной Церкви, а также в рассмотрении тем, перечень которых определяется настоящим Уставом» ["The Local Council has supreme power in the Russian Orthodox Church in terms of election of the Patriarch of Moscow and all Rus' and his retirement, granting autocephaly, autonomy, or self-governance to parts of the Russian Orthodox Church, as well as consideration of topics provided for herein"].

leeway to keep the post. Moreover, in order to oust the Patriarch, the Bishops' Council acting along with the Local Council must secure two-thirds of the votes (Izmeneniia 2013: 47; Ustav 2013: IV.12).

Hence, the new redaction radically strengthens the ROC's hierarchal center represented by the Patriarch who presides over the Holy Synod, which serves as a presidium at the Bishops' Council, which in turn is also headed (as well as the Local Council) by the Patriarch. The concentration of power, directly and indirectly, in the hands of the Patriarch may reflect in a way the current power vertical of the Kremlin. It is also quite evident at this point that Kirill has a successor.⁴²²

5.17. Renewed Concerns over Digital Security (2013)

In February 2013, following the global *WikiLeaks* affair and foregoing the international surveillance scandal connected with Edward Snowden that broke out later in 2013, the Bishops' Council of the ROC adopted a document called *Position of the Church in Connection with the Development of Accounting and Personal Data Processing Technologies* (Позиция Церкви в связи с развитием технологий учёта и обработки персональных данных), in which the ROC for the second time attempted to approach the challenge of digital technology. From the outset, the document states that the Church accepts the accounting of citizens by the state in general (Dannye 2013: 2).⁴²³ In order to outline her

422 Metropolitan Ilarion turned fifty in 2016, and Patriarch Kirill made a telling statement about the nature of their relationship: «Вы отождествляете себя с курсом, который принимает Церковь. Вы не входите в обсуждение того, нужно было принять этот курс или нет, или его нужно было принимать с какими-то поправками. Как монах и как священнослужитель Вы всегда, воспринимая задачи, которые ставило перед Вами Священноначалие, пытались их максимально честно выполнить» [“You identify yourself with the course chosen by the Church. You do not discuss if the course should have been chosen or not, or if it should have been chosen with some amendments. As a monk and a priest, accepting the tasks given to you by the Hierarchy, you always tried to fulfil them with utmost honesty” (Kirill/Ilarion 2016)]. This is a relationship of unquestionable obedience akin to that of vassals before their suzerain lords. On the other hand, Kirill positions himself as a monk-elder and Ilarion as his devoted disciple.

423 «Православная Церковь не отрицает необходимости учёта граждан государством. Пречистая Дева Мария и святой Иосиф Обручник, послушав повеление кесарево, чтобы “пошли все записываться, каждый в свой город” (Лк 2: 3), направились в Вифлеем, где и был рождён Спаситель мира. С давних времён власть проводила переписи населения, выдавала документы, удостоверяющие личность. Эти меры нужны для охраны правопорядка и общественной

position, the ROC traditionally refers to the Holy Scripture in search for possible answers. She quotes the Gospel story of the Holy Family who took part in a Roman census. It is therefore clear that the story, by the fact of Mary and Joseph's participation in the census, represents a positive model and attitude to this state initiative.

The ROC also refers to historical precedents, exemplifying positive aspects of the measure. In general, the ROC takes for granted state-issued identification documents. She points out that the first serious collision of the Church with digital modernity took place in connection with the problem of digital identification of citizens in post-Soviet Russia, in the form of the INN in the 1990s, when the Orthodox community was stirred by the fear of "digital Anti-christ" (see section 5.5). In this regard, the ROC had to remind the faithful in religious language of the provision of the Holy Synod that "no external sign can violate the spiritual health of man, if it is not an on-purpose betrayal of Christ and profanation of faith" (Dannye 2013: 1).⁴²⁴

Nevertheless, the document notes that the Orthodox have specific and "grounded concerns," connected with new technology capable of putting man under total control (Dannye 2013: 3).⁴²⁵ In her analysis, the ROC employs secular language filled with technical terminology:

безопасности, выполнения экономических и социальных функций] ["The Orthodox Church does not deny the necessity of accounting of citizens by the state. The Holy Virgin Mary and St. Joseph, heeding the Caesar's order 'for all to go and register, every man in his town' (Lk 2: 3), went to Bethlehem, where the Savior of the world was born. Since the ancient times, authorities conducted censuses and issued identification documents. These measures are necessary for protection of order and *public security*, for economic and social functions"]. (Italics mine).

424 «Никакой внешний знак не нарушает духовного здоровья человека, если не становится следствием сознательной измены Христу и поругания веры».

425 «В обществе распространяется обоснованная тревога по поводу того, что использование пожизненного персонального цифрового идентификатора в виде кода, карты, чипа или тому подобного может стать обязательным условием доступа каждого ко всем жизненно важным материальным и социальным благам. Использование идентификатора вкупе с современными техническими средствами позволит осуществлять *тотальный контроль* за человеком без его согласия» ["In society, there spread grounded concerns about the fact that the use of the lifelong personal digital identification in the form of a code, card, chip, or a similar device can become mandatory for accessing all vital material and social benefits. The use of the identification along with modern technology will enable *total control* over people without their consent"]. (Italics mine).

Besides, there are concerns about the mounting trend of the increasing gathering of biometric personal data, as well as the emergence of implantable electronic identification devices. All collected information can be not only used but also automatically analyzed in order to make manipulating decisions on concrete persons. Introduction of the end-to-end personal identification enables creation of an integral database, where the data on various aspects of life can be gathered, stored, and automatically analyzed in real time. (Dannye 2013: 3)⁴²⁶

Given that digital technology gets more refined and complex, on the one hand, and admitting that Orthodox citizens have a right to live in accordance with their religious convictions, on the other hand, the ROC feels the need to offer an acceptable multifaceted approach to solving the problem (Dannye 2013: 2). The HRD plays here a leading role. Besides, the Church uses the notion of public sphere, attaching great importance to it (Dannye 2013: 4).⁴²⁷ The ROC speaks about the “new [digital] identification system” opposing it to the “traditional” one (non-digital). This opposition can be reformulated in terms of both pre-modern era and classical pre-digital and pre-nanotech modernity, on the one

426 «Помимо этого, обеспокоенность вызывает усиливающаяся тенденция к увеличению сбора биометрических данных о человеке, а также появление имплантируемых электронных идентификационных устройств. Вся собранная информация может не только использоваться, но автоматически анализироваться с целью принятия управляющих решений в отношении конкретного человека. Введение же сквозного идентификатора личности позволяет создать единую базу данных, где в режиме реального времени могут собираться, храниться и автоматически анализироваться данные из различных сфер жизни человека».

427 «Основываясь на своих конституционных правах, тысячи людей, включая православных верующих, не желают [...] принимать новую идентификационную систему, использовать документы с электронными идентификаторами личности (личным кодом, штриховым кодированием, идентификационными номерами). Многие из этих людей сообщают о нарушении их конституционных прав. Нередко этих людей лишают медицинской помощи, пенсий по возрасту и других выплат, оформления инвалидности и различных льгот. [...] В итоге формируется целый слой людей, выброшенных из всех сфер общественной и государственной жизни» [“Based on their *constitutional rights*, thousands of people including the Orthodox do not wish to [...] accept the new identification system or use the documents with electronic identification (personal code, barcode, identification numbers). Many of these people inform [us] of *breach of their constitutional rights*. Not seldomly, these people are bereft of medical care, pensions and other payments, registration of disability, and various privileges. [...] As a result, a whole stratum of people is formed that are cast out from all spheres of public and state life”]. (Italics mine).

hand, and late modernity, on the other hand. As a result, the Church puts forward her model of coexistence of the religious and secular sectors. The key notion of this model is “alternative,” a guaranteed possibility for believers to utilize the “traditional” means of personal identification on a par with the digital ones, such as paper-based passports and registers (Dannye 2013: 5).⁴²⁸

At the same time, this alternative recognizes new technology, although it is wary of its public control and/or surveillance potential. It means that the ROC remains somewhat rooted in classical modernity, which she tends to include into the notion of tradition. Yet, she does not reject digital modernity *per se* (cf. Ponomariov 2015a, 2016). What the ROC opposes, however, is the imposing of digital ID technology upon man (Dannye 2013: 5).⁴²⁹ The denial of coercion is reasoned not only by pointing to social implications; the ultimate reasoning is soteriological:

Because possession of personal information creates possibilities for controlling and manipulating people through various spheres of life (finances, health care, family, social protection, property, etc.), there arises a real danger of not only intrusion into one's daily life, but also of bringing a *temptation into one's soul*. (Dannye 2013: 5)⁴³⁰

428 «Упомянутые технологии не должны быть безальтернативными и принудительными. Те, кто отказывается принимать эти технологии, должны иметь альтернативу – использование традиционных методов идентификации личности [...]. Церковь считает *недопустимыми* любые формы принуждения граждан к использованию электронных идентификаторов, автоматизированных средств сбора, обработки и учёта персональных данных и личной конфиденциальной информации. Реализацию права на доступ к социальным благам без электронных документов необходимо обеспечить материальными, техническими, организационными и [...] *правовыми* гарантиями» [“The mentioned technology must not be either coercive or without alternative. Those who refuse to accept this technology must have alternative, i.e., traditional methods of personal identification [...]. The Church deems *unacceptable* any form of public coercion to using electronic identification, automated collection, processing and accounting of personal data, and personal confidential information. Implementation of the right to access social benefits without electronic documents must be secured by material, technical, organizational, and [...] *jural* guarantees”]. (Italics mine).

429 «Церковь считает *недопустимым* принудительное нанесение на тело человека каких-либо видимых или невидимых идентификационных меток, имплантацию идентификационных микро- и наноэлектронных устройств в тело человека» [“The Church considers *unacceptable* the coercive affixation on the body of man of any visible or invisible identification mark, and implantation of identification micro- or nano-electronic devices into the body”]. (Italics mine).

430 «В связи с тем, что обладание персональной информацией создаёт возможность контроля и управления человеком через различные сферы жизни (финансы,

It is interesting that the soteriological aspect is connected in the document with the rights talk, instrumentalizing the latter in order to protect the former. Eschatology and the HRD become two sides of the same coin. The alternative, mentioned in the document, demands state guarantees: citizens must have access to their information in digital registers, including an option to change or delete it. The ID information must contain no symbols capable of insulting religious feelings (Dannye 2013: 5). Regarding the barcode with the alleged “666” number, this requirement would be topical for Orthodox believers. The ROC cooperates with authorities of many countries on that score (Dannye 2013: 5).⁴³¹ It explains why the concept of canonic territory is so important for the ROC: it enables her to influence a few governments, acting from one center of decision-making (Moscow). Through the canonic provision, binding for all ROC’s subdivisions, the Moscow Patriarchate can hope for influencing secular laws. Furthermore, in case of contingency, the document calls upon believers to appeal to court, instrumentalizing human rights (Dannye 2013: 5).⁴³² Their appeal should also be

медицинская помощь, семья, социальное обеспечение, собственность и другое), возникает реальная опасность не только вмешательства в повседневную жизнь человека, но и внесения *соблазна в его душу*». (Italics mine).

- 431 «Церковь осуществляет диалог по этим вопросам с органами власти России, Украины, Беларуси, Молдовы, Казахстана, государств Средней Азии и других стран, добиваясь учёта и понимания позиции верующих. Особенно важным Собор считает соблюдение принципа добровольности [...]. Собор призывает *власти государств* канонического пространства нашей Церкви придерживаться данного принципа. При этом необходимо проявлять уважение к *конституционным правам* граждан и не *дискриминировать* тех, кто отказывается от принятия электронных средств идентификации» [“The Church conducts a dialogue on these and other issues with the authorities of Russia, Ukraine, Belarus, Moldova, Kazakhstan, the states of Central Asia and other states, trying to achieve consideration and understanding of the position of believers. The Council deems especially important the compliance with the principle of voluntariness [...]. The Council calls on *authorities of the states* on the canonic territory of our Church to live up to that principle. At the same time, it is necessary to respect *constitutional rights* of citizens and not *discriminate* those who reject the means of electronic identification”]. (Italics mine).

- 432 «В случае принуждения граждан к принятию подобных средств и дискриминации, связанной с их непринятием, Собор предлагает этим людям обращаться в суд, а также информировать епархиальное священноначалие и, при необходимости, Синодальный отдел по взаимоотношениям Церкви и общества» [“In the event of coercion to accepting these means and of discrimination connected with their non-acceptance, the Council suggests that these people appeal to court, as well

directed to the department of liaisons with state and society, through which the ROC can access the state and ask for diplomatic help in the CIS.

The document ends with a twofold statement. The ROC warns the flock of the fact that individual evaluations of Church's compatibility or incompatibility with digital modernity, pronounced on behalf of the Church, are unacceptable, and that only the Holy Synod or the Bishops' Council may speak for the whole ROC (Dannye 2013: 6). Not rejecting digital technology, the ROC remains rather wary of the overwhelming "technological future," tending to link it with the apocalyptic times if the situation goes beyond certain red lines (Dannye 2013: 6).⁴³³ The Church has fears expressed as "possible challenges," which is also a *cliché* of modern business and political parlance. The risks of uncontrolled digitization of life, underpinned by anti-Christian secular laws, entail deprivation of freedom; in particular, freedom of faith. This is a rather reasonable surmise, shared by many people of various convictions. The concern, though, is linked to the Book of Revelation, which is almost two thousand years old, and which outlines the end of this world order in religious terms.

Noteworthy is that the end of history was also predicted by Francis Fukuyama in 1989 and in 1992 in his famous book, written from the secular perspective (Fukuyama 1992). We can find a few points in common that could have influenced the appearance of both approaches. Fukuyama's text followed the collapse of the USSR, and it appeared in the USA, whose government considered itself the victor in the Cold War, the end of which was interpreted by many as an advent

as inform the diocese hierarchy and, when need be, the Synod department of public relations"]].

- 433 «Впрочем, многое предупреждает нас о том, что мы можем оказаться перед лицом новых вызовов. Если сужение границ свободы, осуществляемое в том числе средствами электронного контроля, приведёт к невозможности свободного исповедания веры Христовой, а законодательные, политические или идеологические акты, обязательные для исполнения, станут несовместимы с христианским образом жизни, – наступит время исповедничества, о котором говорит Книга Откровения (гл. 13–14)» ["However, many things warn us of the fact that we can face new challenges. If the narrowing of freedom limits, *inter alia*, by means of electronic control leads to the impossibility of a free profession of the Christian faith, and legislative, political, or ideological acts, mandatory for implementation, become incompatible with the Christian way of life – then *the time of martyrdom will come*, about which speaks the Book of Revelation (Chapters 13–14)"]. (Italics mine).

of peace and a triumph of Western modernity (Fukuyama 1989: 1).⁴³⁴ The Book of Revelation, or Apocalypse, was composed on the background of events usually attributed to the second half of the first century C.E. (Mounce 1998: 15),⁴³⁵ most likely after the Jewish War in the Roman Empire and the fall of Jerusalem (70 C.E.) that produced an unforgettable impression upon its witnesses. That said, the apocalyptic images, expressed either in religious or in secular terms, are still capable of generating a wary attitude to digital modernity.⁴³⁶

5.18. An “Effective Presence” in the Media (2013 *et al*)⁴³⁷

Notwithstanding the eschatological focus, the ROC currently promotes her active, “effective,” and comprehensive presence in the media, including social networks. The “effective presence” invective was formulated by the Bishops’ Council in February 2013 (Zadachi 2014: 630).⁴³⁸ This is a marker of the modern thinking of the ROC leaders. For the first time in post-Soviet era, the question of cooperation with the media was raised by the Bishops’ Council in 1997, calling on journalists to cover church-related issues objectively and honestly (Sotrudnichestvo 2014). Interestingly, the Council then stressed that the Church should not be a pretext for “unbridled campaigns, disrupting public peace” (Sotrudnichestvo 2014).⁴³⁹

434 “What we may be witnessing is not just the end of the Cold War, or the passing of a particular period of post-war history, but the end of history as such: that is, the end point of mankind’s ideological evolution and the universalization of Western liberal democracy as the final form of human government.”

435 The timeframe usually stretches between Claudius (41–54 C.E.) and Trajan (98–117 C.E.).

436 For instance, some contemporary Russian Orthodox authors call the growing virtualization of modern life “euthanasia for humankind” (see Horuji 2015a: 143).

437 This section includes some other provisions on informational policy of the ROC because they are too small.

438 «Синодальным миссионерскому, информационному и молодёжному отделам поручается совместно разработать и реализовать комплекс мер по обеспечению эффективного церковного присутствия в социальных медиа» [“The Synod Missionary, Informational, and Youth Departments are instructed to jointly work out and implement a complex of measures on providing an effective ecclesiastical presence in the social media”].

439 «Церковные проблемы должны служить для откровенного, беспристрастного и добросовестного анализа, а не для разнузданных кампаний, нарушающих мир в обществе» [“Church problems should serve for a franc, impartial, and *bona fide* analysis, and not for unbridled campaigns, disrupting public peace”].

Seeing herself as a mission, the ROC believes that this mission must have a substantial informational manifestation (Vzaimodeistvie 2014: 616). As of 2000, the ROC was concerned about conflicts between the Church and the mass media that sometimes indulged in “slandorous” publications, “undermining the authority of the Church” (Sotrudnichestvo 2014).⁴⁴⁰ In this connection, the ROC wants her faithful to be active in exercising “moral influence” in the media upon public life (Sotrudnichestvo 2014).⁴⁴¹ These concerns reflected the situation of the 1990s and post-Soviet experience of “freedom,” which resulted, *inter alia*, in the ROC’s trading of tobacco and alcohol, and scandals connected with it (cf. Ilarion 2009). It also has to do with the experience of “freedom of speech,” which brought up the subject in the media. Importing and selling tobacco and alcohol, although for a short period, was an unpleasant moment for the ROC leadership, a shock for the Orthodox, and a “hot” topic for the media. It is interesting, for example, that Metropolitan Kirill is portrayed today in such a fashion as if he had nothing to do with the scandalous activities in the 1990s. Albeit he knew the hierarchs who actually signed the papers sanctioning the alcohol and tobacco deals, he preferred to keep quiet (Ilarion 2009).

Gradually learning to deal with media specifics in the public space, the ROC came to a point where she had to make sure that she was capable of controlling some of the media discourse related to the Church, including restrictive canonic measures. Admitting the role the media play in modern life (Neobkhodimost’ 2014; Concept 2008: XV.1), the ROC deems inadmissible the “propaganda of violence, vices and hatred, feud, and sinful exploitation of human instincts for commercial purposes” (Neobkhodimost’ 2014; Concept 2008: XV.1).⁴⁴² Orthodox laymen may work in the secular media; however, if they publish materials that fit in the above definition, they should be subject to canonic punishment

440 «Беспокоит обилие конфликтов между Церковью и светскими СМИ, часто вызванных непониманием целей и содержания церковной жизни, а иногда и клеветническим содержанием публикаций, нацеленных на отрыв людей от Бога и на подрыв авторитета Церкви» [“We are concerned about plenty of conflicts between the Church and the secular media, often caused by the non-understanding of the goals and contents of ecclesiastical life; and sometimes, by slanderous and even theomachy-like publications aiming at tearing people from God and undermining the authority of the Church”].

441 «Способствовать формированию нравственного влияния СМИ на жизнь общества».

442 «Недопустимыми являются пропаганда насилия, вражды и ненависти, национальной, социальной и религиозной розни, а также греховная эксплуатация человеческих инстинктов, в том числе в коммерческих целях».

(cf. Concept 2008: XV.2). It is also noteworthy that the formula “sinful exploitation” represents a logic trick, quite typical for contemporary parlance; namely, the text suggests that human instincts can be in principle exploited in a “non-sinful” way.

Taught by the encounters of the 1990s, the ROC defined suitable forms of Church’s presence in the media. For instance, it is deemed important that a priest, a Church representative, or an editor should always underline if what he or she states in public is a personal opinion or a position of the ROC (Concept 2008: XV.2). Possible conflicts must be resolved through a peaceful dialogue (Concept 2008: XV.3). If the latter is somehow impossible, the ROC prescribes the following steps: cooperation with the media outlet must be stopped; the faithful can be called upon to boycott the outlet; the ROC may appeal to state authorities; finally, those responsible for “sinful actions” against the Church in the media can become subject to canonic punishment, if they are Orthodox (Concept 2008: XV.3). In particular, hierarchs may not cooperate with those media that “provoke extremist sentiments in the Church and blemish the hierarchy” (Nedopustimost’ 2014).⁴⁴³ The new approach also presupposes that all dioceses of the ROC must appoint specialists responsible for “cooperation with the mass media” (Neobkhodimost’ 2014),⁴⁴⁴ as well as press secretaries for each diocese, chosen from media experts (Prisutstvie 2014: 629).⁴⁴⁵ The development of the official Church print, television, and electronic media, aiming at bringing the corporate position of the ROC to the public, should also contribute to the relationship between the ROC and civil society (Aspekty 2014). The ROC sees the openness towards cooperation with the secular mass media as a norm of external Church relations (Otkrytost’ 2014: 622), the text rather suggesting that the present situation is not yet satisfactory.⁴⁴⁶

443 «Отметить недопустимость для архиереев выступать в тех средствах массовой информации, которые провоцируют экстремистские настроения в церковной среде и порочат Священноначалие Русской Православной Церкви».

444 «Собор считает необходимым распространить практику назначения лиц, ответственных за работу со СМИ, на все епархии Русской Церкви» [“The Council deems it necessary to implement the practice of appointing persons, responsible for cooperation with the mass media, in all dioceses of the Russian Church”].

445 «Для эффективного построения информационной работы в каждой епархии необходимо иметь штатную должность пресс-секретаря» [“In order to organize effective informational activities, each diocese must have a staff position of a press-secretary”].

446 «Нормой должна быть открытость к взаимодействию со светскими средствами массовой информации».

It implies that both secular and Church media representatives can cooperate with each other on ecclesiastical issues (Prisutstvie 2014: 629).

Overall, the ROC adopted a range of documents regulating her presence in the media. The ROC wants to have a well-coordinated media policy at all Church levels, going down to parishes (Prostranstvo 2014: 623), which implies better subordination and “quality control” between the center in Moscow and dioceses across the canonic territory (Prostranstvo 2014: 624). Moreover, the Orthodox media may no longer ignore corporate Church resolutions (Zadachi 2014: 630). This policy is formulated as “effective presence in the media” (Zadachi 2014: 630); it requires attention and aims at a “more significant and more noticeable representation of the Russian Orthodox Church in society” (Prisutstvie 2014: 629).⁴⁴⁷ There is, however, a certain danger that the presence of the Church in the media may attain a life of its own and overshadow the actual Christian mission. In this regard, Patriarch Kirill suggests that the Orthodox should draw a distinction line between the actual “sacrament of salvation” (*таинство спасения*) and media presence (Kirill 2015f).⁴⁴⁸

It is therefore clear that, in terms of modern media and communication technologies, the ROC embraces modernity as a helpful tool in her activities. In so doing, the ROC puts so much weight on her constant and comprehensive presence in the media that it produces an impression that media channels and broadcasting around the clock are currently deemed more important than “real” and “unplugged” parish life.

447 «Сделать присутствие Церкви в информационном пространстве более значимым и заметным в обществе».

448 «Таинство человеческого спасения не может быть встроено в социальную сеть в качестве программного модуля или в виртуальную реальность. Таинство спасения осуществляется в реальной жизни. И если мы не хотим, чтобы виртуальная реальность стала *пространством без Бога*, то мы должны серьёзно подумать, как Церковь может присутствовать в этой реальности более эффективно с точки зрения передачи миру и особенно молодёжи своего послания» [“The sacrament of human salvation cannot be built in the social network or virtual reality as a program module. The sacrament of salvation is performed in the real life. If we do not want virtual reality to become *a space without God*, we have to seriously think about how the Church can be present in this reality in a more effective way, from the point of view of transmitting her message to the world and, especially, to the youth”]. (Italics mine). For more information on the subject, see Ponomariov 2015a, 2016.

5.19. Ecology and Nature (2013)

The Bishops' Council of 2013 also adopted an interesting and rather unexpected document called *Position of the Russian Orthodox Church on Topical Ecology Problems* (*Позиция Русской Православной Церкви по актуальным проблемам экологии*), which was amended by practical recommendations in 2015 (see section 5.28). It must be noted that the issue had already been touched in the *Concept* (2000) and the provision on freedom, dignity, and human rights (2008). From the outset, the ecology paper postulates the following:

All humankind is responsible for the environment, the God's creation. The depletion of resources and pollution of the environment against the background of the planet's growing population raises especially sharply the question of joint efforts of all nations to preserve the multitude of life, of a careful use of natural resources, and of prevention of ecological man-made catastrophes. (Ekologiia 2013)⁴⁴⁹

Except for the first sentence, the language is secular, and the approach to the problem is similar to that of *Greenpeace*. Human agency is said to be the cause of ecological catastrophes and the depletion of natural resources. Based on the Book of Genesis, the creation is seen as initially "good," and human activities on earth in general are considered a divine commandment. The ROC suggests understanding the overall cause of the ecological crisis in the modern world as an implication of the global catastrophe, known as original sin in the language of Christianity (Ekologiia 2013).⁴⁵⁰ In order to overcome the crisis, one needs to restore the pre-catastrophe order of things. The restoration process suggested

449 «Все человечество несёт ответственность за состояние природы – творения Божия. Истощение ресурсов и загрязнение окружающей среды на фоне роста населения планеты с особой остротой ставят вопрос о солидарных усилиях всех народов для сохранения многообразия жизни, о рачительном использовании природных ресурсов и предотвращении экологических катастроф, спровоцированных человеческой деятельностью».

450 «Прехопадение прародителей повлекло за собой искажение первозданной природы. Священное Писание свидетельствует об этом: "Тварь покорилась суете не добровольно, но по воле покорившего её" (Рим 8: 20). Загрязнение и разрушение природы – прямое следствие человеческого греха, его зримое воплощение. Многообразные проявления греховного отношения к природе характерны для современного "общества потребления", ставящего главной целью получение прибыли» ["The fall of the progenitors entailed a distortion of initial nature. The Holy Scripture testifies: 'For the creation was subjected to frustration, not by its own choice, but by the will of the one who subjected it' (Rom 8: 20) [NIV]. The pollution and destruction of nature is a direct implication of human

by the ROC implies an “ascetic attitude to one’s needs, curb on one’s passions, and consecutive self-restraint” (Ekologiia 2013).⁴⁵¹ The ROC maintains that the environment issue is best considered from theocentric positions:

One of the implications of the fall of the first people was a distortion of the God-ordained relationship between them and nature. Man started to be guided, first and foremost, by egoistic and *consumption-based* desires. Therefore, ecological activities will not achieve the desired results if people do not strive to overcome their alienation from God and live in line with His commandments. (Ekologiia 2013: 1)⁴⁵²

By joining the ecology discussion, the ROC contends with humanist anthropocentrism of classical modernity, as well as with “pagan deification of nature” (Ekologiia 2013:1),⁴⁵³ which can be partially attributed to the so-called New Age movement of late modernity. Humanist anthropocentrism is said to perceive the environment as a source of egoistic and irresponsible consumption; and the “pagan” approach tends to “elevate it [nature] above man and declare it *self-sufficient*, as well as [declare] human effort on its transfiguration unnecessary” (Ekologiia 2013: 1).⁴⁵⁴ Contesting both approaches, the ROC puts forward a “Christian way of life” (Ekologiia 2013: 3),⁴⁵⁵ combining some features of the two. Similar to the anthropocentric concept, man is a master of the universe; yet, man must tackle it in certain awe, similar to the “pagan” concept, albeit, unlike the latter, focusing on the Creator and not on the creation (Ekologiia 2013: 1).

The document admits that this outlook cannot do without the knowledge of the laws of nature. In other words, the ROC views modern science as one of the pivots of her doctrine. In particular, the document provides for the study of state-of-the-art achievements in the field of relations between man and nature in the

sin, its visible embodiment. Various manifestations of the sinful attitude to nature characterize modern ‘society of consumption,’ whose main goal is receiving profit”].

451 «[В] аскетическом отношении человека к собственным потребностям, обуздании страстей, последовательном самоограничении».

452 «Одним из последствий грехопадения первых людей явилось нарушение богоустановленных отношений между ними и природой. Человек стал руководствоваться прежде всего эгоистическими и *потребительскими* побуждениями. Поэтому экологическая деятельность не достигнет желаемых результатов, если люди не будут стремиться преодолеть своё отчуждение от Бога и жить по Его заповедям». (Italics mine).

453 «Языческое обожествление природы».

454 «Возвысить её [природу] над человеком, объявить её *самодостаточной*, а человеческие усилия по её преобразению – ненужными». (Italics mine).

455 «Христианский образ жизни».

church-sponsored educational facilities (Ekologiiia 2013: 1). She also encourages research into energy efficiency, the development of clean technology, and the quest for alternative energy sources (Ekologiiia 2013: 5). Orthodox believers are called upon to assist the development and implementation of nature-efficient methods and technology, and dioceses of the ROC should single out ecology as a separate policy (Ekologiiia 2013: 4). In this regard, the ROC refers to the ecology-efficient experience of Russian monasteries and rural parishes in agriculture as examples of the “rational use of nature” (Ekologiiia 2013: 4).⁴⁵⁶ The Church emphasizes that she “combines theological teaching with modern *scientific* data about the world and considers approaches to the science of ecology and public opinion” (Ekologiiia 2013: 1).⁴⁵⁷

In addition, the ROC comes up with new liturgical orders/prayers. Some prayers are dedicated to natural calamities and man-made catastrophes (Ekologiiia 2013: 2). The ROC is committed to working with all individuals and organizations for the sake of “preservation of the multiformity of life.”⁴⁵⁸ Canon law, expressed in terms of God’s commandments, here serves as a key to ecology-efficient life. At the disciplinary level, “the Church reserves a right to provide a critical evaluation of actions of authorities, international organizations, public and scientific bodies that may have a negative impact on the environment and, through it, on the health and life of humanity” (Ekologiiia 2013: 5).⁴⁵⁹ This reservation, clad in the rights talk, emphasizes the independence of the ROC from state and society in the countries of her canonic territory.

5.20. The Church-State Relations in 2013: An Interim Report

The 1994 document on the principles of relations between Church, state, and society declared that, as long as Church and state do not interfere with each other’s internal affairs, their cooperation should be considered “useful.” In 2013, the non-interference issue was reinterpreted as a situation when the Church does

456 «Рациональное природопользование».

457 «Сопоставляет богословское учение с современными *научными* данными о мире, учитывает подходы научных дисциплин экологического профиля и общественное мнение». (Italics mine).

458 «Сохранение многообразия жизни».

459 «Церковь [...] оставляет за собой право давать критическую оценку действиям государственных властей, международных организаций, общественных и научных структур, которые могут иметь негативное воздействие на природу, а через это – на здоровье и жизнь человека».

not replace or duplicate state institutions, coexisting with them (Postanovleniia 2013: 16).⁴⁶⁰ Stressing the non-interference issue in 2013, the ROC publicly replied to the popular opinion that the ROC “merges with the state.” In his keynote report at the Bishops’ Council of 2013, Patriarch Kirill elaborated on the allegation of clericalization as follows:

The Church cannot be separated from society, from the people, because a majority of the population in Russia, Ukraine, Belorussia, Moldova, and a significant part of other countries’ population, comprising the canonic territory of the Moscow Patriarchate, profess Orthodoxy. The Church and the people largely consist of the same persons. Our ecclesiastical and civil histories are closely interconnected. (Kirill 2013a: 32)⁴⁶¹

Overall, evaluating the church-state relationship by 2013, the Council expressed its satisfaction (Postanovleniia 2013: 16).⁴⁶² Regarding practical aspects of the cooperation, Kirill spoke of the following concerns of the ROC (Kirill 2013b):⁴⁶³

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- 460 «Освященный Собор подчёркивает, что Русская Православная Церковь как религиозная организация *не вмешивается* в дела государственного управления и *не подменяет* собой институты светской власти. Однако Церковь и государство, во многом объединяющие одних и тех же людей, на всех уровнях призваны находиться в соработничестве, направленном на благо народа» [“The Holy Council underlines that the Russian Orthodox Church, as a religious organization, *does not interfere* with the affairs of state governance and *does not replace* institutions of secular power. However, the Church and the state, comprising in many respects the same people, are called to cooperation at all levels for the benefit of the people”]. (Italics mine).
- 461 «Церковь нельзя отделить от общества, от народа хотя бы потому, что большинство населения России, Украины, Белоруссии, Молдавии и значительная часть населения других стран, входящих в каноническую территорию Московского Патриархата, исповедуют православие. Церковь и народ во многом составляют одни и те же люди. Наша церковная и гражданская история теснейшим образом переплетены».
- 462 «Собор выражает удовлетворение общим состоянием церковно-государственных отношений в странах канонического пространства Русской Православной Церкви [...]. Такую практику надлежит развивать и совершенствовать» [“The Council expresses its satisfaction with the overall situation in the church-state relations in the countries of the canonic space of the Russian Orthodox Church [...]. This practice must be further developed and improved”].
- 463 «В последнее время мы сталкиваемся с огромными искушениями, когда в ряде стран выбор в пользу греха утверждается и оправдывается законом, а те, кто, поступая по совести, борются с такими навязанными меньшинством законами, подвергаются репрессиям. Это очень опасный *апокалиптический* симптом, и мы должны делать все для того, чтобы на пространствах Святой

Lately, we come across huge temptations when, in some countries, a choice in favor of sin gets approved and justified by law, and those acting in accordance with their conscience, who fight with such laws imposed by a minority, get repressed. This is a very dangerous *apocalyptic* symptom, and we must do our best to secure that, in the spaces of Holy Rus', sin shall never be approved by state law, because it implies that the nation is on the way to *self-destruction*.

The above statement refers to secular law, which in Kirill's opinion must protect traditional morality, codified in Orthodox canon law. Its implementation in modern secular societies on the canonic territory of the ROC is seen in the soteriological perspective. In return, for example, Russian secular law demonstrated an inclusive post-secular approach to religion by the introduction of a few laws concerning abortion, religious feelings, and homosexual propaganda among the underage (see section 7.2). Such facts make for the ROC's satisfaction with the *status quo* in church-state relations, albeit the mentioned state laws do not heed Orthodox initiatives in full.

5.21. Family and Juvenile Justice (2013)

The ROC views the institution of family as the most important of all civil institutions. In February 2013, the Bishops' Council issued a document called *Position of the Russian Orthodox Church on the Reform of Family Law and the Problems of Juvenile Justice* (Позиция Русской Православной Церкви по реформе семейного права и проблемам ювенальной юстиции), covering all countries of the canonic territory of the ROC (Semeinoe Pravo 2013: 10). In it, the ROC considers the problem of family law and juvenile justice, balancing extreme modern trends, from her point of view, with traditional family values and rights of parents. The Church starts with a fundamental declaration of her family orientation, rooted in biblical concepts. Then, she emphasizes her openness to interaction on family issues with the state and the public sphere (Semeinoe Pravo 2013: 9),⁴⁶⁴ and provides her interpretation of the HRD terminology used in the document:

Руси грех никогда не утверждался законом государства, потому что это означает, что народ вступает на путь *самоуничтожения*. (Italics mine).

464 «Церковь, утверждая, что духовно здоровая семья – важнейшая основа *благополучия* общества, открыта к сотрудничеству с государством и различными общественными силами в вопросах защиты семьи и детства» [“By stating that a spiritually healthy family is the most important basis of the *well-being* of society, the Church is open to cooperation with the state and various public forces in terms of protecting family and childhood”]. (Italics mine).

First, the totality of legal norms concerning underage victims of crimes and underage criminals. In particular, such norms define a special order of administration of justice when one of the parties is an underage person [...], and when need be, protecting children from violation of their rights by whoever, or from other factors that negatively affect physical and spiritual health. Second, the totality of state and public institutions that must protect children from illegal actions, as well as from factors that negatively affect their development. (Semeinoe Pravo 2013: 9)⁴⁶⁵

Apart from the state, the ROC also refers to the public sector, thus seeing the cooperation process as involving three forces: Church, state, and society. It is clear that ROC canon law accepts the general juvenile rights discourse. However, when it comes to certain aspects thereof, there arise questions:

The Church does not see objective and convincing reasons for the implementation of the system of juvenile justice *the way* it exists in a number of foreign countries. It is noteworthy that, in both national and international law, the preemptive right of parents to raise their children is firmly secured. Any *infringement of this right* is justly not accepted by broad strata of society. The Church shares these concerns and is solidary with them. (Semeinoe Pravo 2013: 10)⁴⁶⁶

That is to say, the ROC cannot agree with the liberal Western version of the juvenile rights discourse. Arguing against this version, the ROC appeals to the public sphere (“broad strata of society”) and points to the simultaneous infringement of parental rights despite actualities in “national and international law.” Contradictions of the Western version with some norms of national law in the countries of the canonic territory of the Moscow Patriarchate are especially stressed. The

465 «Во-первых, совокупность правовых норм в отношении несовершеннолетних жертв преступлений и несовершеннолетних преступников. В частности, такие нормы определяют особый порядок осуществления правосудия в случаях, когда одной из сторон является несовершеннолетний [...] при необходимости защиты ребёнка от нарушения его прав с чьей-либо стороны и от иных отрицательно влияющих на физическое и духовное здоровье факторов; во-вторых, совокупность государственных и общественных институтов, призванных обеспечить защиту детей от противоправных действий, а также от факторов, отрицательно влияющих на их развитие».

466 «Церковь не видит объективных и убедительных причин для внедрения системы ювенальной юстиции *в том виде*, в каком она распространена в ряде зарубежных стран. Показательно, что в национальном и международном законодательстве прочно закреплено преимущественное право родителей на воспитание детей. Какое-либо *ущемление этого права* справедливо не приемлется широкими кругами общества. Церковь поддерживает эту обеспокоенность и солидарна с ней». (*Italics mine*).

international law connection puts the document in the global legal frame, demonstrating that the Church has legal “allies” within the HRD in the West. Aspects of the Western juvenile paradigm are criticized because they artificially oppose the rights of children to the rights of parents, with a further prioritization of the former over the latter (Semeinoe Pravo 2013: 10).⁴⁶⁷

The document is concerned about the overweight of children’s rights in the Western liberal model, as well as the opposition of these rights to those of parents. In order to solve the structural impasse, the ROC suggests a balance of rights and obligations. According to the ROC, children’s rights are a reality; yet, they must be considered only along with their respective obligations, and as a flipside of these obligations.

Besides, the ROC singles out “family” as a separate aspect of the issue, surmounting the opposition scheme: “family” serves as a third element that cannot be directly opposed either to “children” or to “parents.” It implies other members, such as siblings and grandparents. It is clear that the ROC recognizes the established order of things to a certain extent. However, the document sets specific red lines: “There can be no children’s rights to spiritually and morally unjustified disobedience to their parents; to immoral actions and promiscuity, to disrespect for the elderly and peers, to misbehavior” (Semeinoe Pravo 2013: 10).⁴⁶⁸

That said, traditional family is seen as endangered by consumerism and “propaganda of vices” disseminated by the mass media (Semeinoe Pravo 2013: 9). It follows in this regard that the Church feels bound to support the Russian state in terms of “protecting children from criminal encroachments, in cases when their

467 «Современному подходу ряда стран к ювенальной юстиции [...] свойственно искусственное противопоставление правам родителей прав ребёнка и придание последним безусловного приоритета, что противоречит библейским основам семейных отношений, ибо нельзя расширять права детей за счёт сужения прав их родителей, а также искусственно противопоставлять права одних правам других. Наряду с правами детей должно быть признано наличие их обязанностей, в том числе в отношении родителей и семьи» [“It is the approach of some countries to juvenile justice to *artificially oppose* the rights of children to the rights of parents and to attach top priority to the latter. This contradicts the biblical principles of family relations, because one may not expand children’s rights at the expense of diminishing parental rights, as well as artificially oppose the rights of the former to the rights of the latter. Along with children’s rights, one must acknowledge their *obligations*, including those before parents and family.” (Italics mine).

468 «Не может существовать прав детей на духовно и нравственно необоснованное непослушание родителям, на безнравственные действия и половую распущенность, на неуважение к старшим и сверстникам, на дурное поведение».

parents cannot or do not strive to protect the children, even if it leads to alienation of parental rights as a measure of last resort” (Semeinoe Pravo 2013: 9).⁴⁶⁹ The state, cooperating with the Orthodox Church and the public sphere, must be strict in restraining the “propaganda of violence, vices, and ideology of consumerism” (Semeinoe Pravo 2013: 9).⁴⁷⁰ Pleading for taking children from parents in extreme situations, the ROC admits children’s rights that have to be protected by such measures. At the same time, the ROC wants to distance the state from family, limiting its involvement by clear-cut rights criteria:

The state has no right to interfere with family life, *unless* there is proven danger to life, health, and morality of children, when the danger cannot be removed by either help to parents or persuasion. At that point, actions of the state must be based upon clear and unambiguous legal criteria. [...] It is *inadmissible* that the intervention of the state in life of families, seen as justified only in *exceptional* situations, would undermine the institution of family by direct state or state-sponsored public regulation of family processes. (Semeinoe Pravo 2013: 9)⁴⁷¹

In the second part, the document puts forward concrete propositions regarding the secular legal juvenile and family framework that would better reflect the Church’s approach to family. It is stated that the countries of the canonic territory of the ROC already have an established legal system pertaining to the problem. This system requires better public control coupled with some new legal acts and improved law enforcement that would prevent an excessive intrusion of the state or other entities into family relations. In particular, the Church advises including legal responsibility of public servants for unreasonable alienation of children

469 «[Церковь] поддерживает усилия государства, направленные на защиту детей от преступных посягательств, в тех случаях, когда родители сами не могут или не стремятся защитить детей, даже если это приводит к лишению родительских прав как к самой крайней мере».

470 «Необходима жёсткая позиция государства по ограничению пропаганды насилия, греховных развлечений, идеологии потребительства».

471 «Государство не имеет права на вмешательство в семейную жизнь, *кроме случаев*, когда существует доказанная опасность для жизни, здоровья и нравственного состояния ребёнка и когда эту опасность нельзя устранить через помощь родителям и через методы убеждения. При этом действия государственных органов должны быть основаны на чётких и однозначных правовых критериях. [...] *Недопустимо*, чтобы вмешательство государства в жизнь отдельных семей, которое видится оправданным лишь в *исключительных* ситуациях, приводило к подрыву института семьи прямым государственным или поощряемым государством общественным регулированием семейных процессов». (Italics mine).

from families, as well as other cases of abuse of power (Semeinoe Pravo 2013: 10). In this regard, the system of independent children's justice causes a wary attitude based on the experience of "some countries." The Church calls upon legislators to outline specific legal norms in order to exclude arbitrary interpretations of law, especially when it pertains to alienation of children (Semeinoe Pravo 2013: 11), and under the pretext of insufficient income of parents. The latter precondition is ruled out; instead, insufficient income should be a ground for social aid (Semeinoe Pravo 2013: 10).

Along with that, all aspects of children's rights must comply with national and/or regional cultures and traditions. This requirement contains potential conflicts between the HRD in the Western redaction, which strives to be universally accepted, and local traditions that can accept the HRD on paper but disregard it in practice. Besides, the ROC refers to the issue of digital data pertaining to family, whose unsanctioned collecting, processing, and dissemination should not be allowed. The ROC is also concerned about a possible intrusion of non-state entities into family life. These NGOs must not be delegated powers to replace the state, because of their potential anti-religious activities (Semeinoe Pravo 2013: 11).⁴⁷² This concern implies public religious and quasi-religious organizations representing rivals of the ROC on her canonic territory, as well as "aggressive" secular organizations that reject the right of religion or religious outlook to be present in the public sphere. Interestingly, in order to justify the right of religion versus "juvenile extremism," the ROC borrows arguments from the Convention on the Rights of the Child, namely Articles 5 and 20, guaranteeing the right of families and respective communities, as well as of "religious and cultural continuity" for

472 «Существуют основанные на обстоятельствах жизни граждан ряда стран опасения, что методы ювенальной юстиции могут быть применены для насаждения нерелигиозного мировоззрения и для ограничения религиозной *свободы*, в частности, права родителей определять мировоззрение и формировать нравственные убеждения ребёнка, побуждать его к участию в церковной жизни, соблюдению постов и других религиозных предписаний. Церковь категорически заявляет о *неприемлемости* такого подхода» ["There are concerns, based on life circumstances of citizens from some countries, that the methods of juvenile justice can be applied to impose a non-religious outlook and to limit religious *freedom*. In particular, the right of parents to define the outlook and shape moral convictions of children, to move him or her to participation in ecclesiastical life in compliance with fasts and other religious prescriptions. The Church states categorically that this approach is *unacceptable*"]. (Italics mine).

the child (Semeinoe Pravo 2013: 11).⁴⁷³ Regarding the continuity issue, the ROC ostensibly gives up her fundamental principle of Christian mission and contradicts her own canon law (cf. section 5.23).

The ROC believes that any secular legislation on family relations in the future must be first discussed in the public sphere, involving the clergy; protection of parental rights with participation of the clergy and Orthodox intelligentsia is considered useful across the canonic territory. In case of the rights violation, the ROC calls on believers to address the respective Church departments that would undertake certain public pressure upon the state. For that sake, the document suggests a specific church-state cooperation (Semeinoe Pravo 2013: 11).⁴⁷⁴ As we can see, the ROC underlines that, in her interaction with the state, she does not duplicate the functions of the latter, but acts as an independent entity on a complementary basis.

5.22. Crime and Punishment (2013)

Instead of the traditional binary opposition of crime and punishment, the Moscow Patriarchate proposes to consider the problem in a tripartite fashion: as crime, punishment, and rehabilitation. This scheme was first proposed in the *Concept* (IX.2). In March 2013, the Holy Synod of the ROC adopted a provision on correctional facilities (Penitentsiarnye 2013). The document is adapted

473 «Примечательно, что согласно статье 5 Конвенции о правах ребёнка государство должно уважать права общины, в которой воспитывался ребёнок, и, согласно статье 20, соблюдать религиозную преемственность в случае необходимости помещения ребёнка в приёмную семью» [“It is noteworthy that, according to Article 5 of the Convention on Children’s Rights, the state must respect the rights of the community in which children were raised; and according to Article 20, it must provide religious continuity, if children must go to a foster family”].

474 «Важно в рамках диалога с государством выработать механизм присутствия представителей духовенства от епархий и благочиний на постоянной основе как наблюдателей, консультантов или экспертов в государственных органах опеки на всех региональных уровнях. Обращения верующих, после соответствующей экспертной оценки, будут рассматриваться в ходе церковно-государственного диалога и служить основанием для печалования Церкви перед органами государственной власти» [“It is important, in the framework of the dialogue with the state, to work out a mechanism of presence of the clergy from dioceses and deaneries on a constant basis as monitors, consultants, or experts in state foster bodies at all regional levels. Applications of citizens, following expert evaluations, shall be considered during the church-state dialogue and serve as a basis for the Church’s intercession before state authorities”].

to criminal law of the Russian Federation and may require revisions in other jurisdictions of the ROC's canonic territory (Penitentsiarnye 2013: I). For that purpose, the Moscow Patriarchate has concluded church-state agreements with a few countries (Penitentsiarnye 2013: I).

The Church mission in prisons is called to involve not only convicts: it should encompass all participants of the correctional process by adding rehabilitation, comprising family members of prisoners, prison personnel (almost 300 000 persons, see section 3.8) and their family members, cadets, as well as retired prison staff (Penitentsiarnye 2013: I). This comprehensive approach to the matter is a feature of modern Russian Orthodox canon law, whereas a more traditional approach prefers to focus only on convicts and “forget” about supervising forces who also undergo specific psychological transformations due to constant contact with the rejected side of society (Penitentsiarnye 2013: IV.3).⁴⁷⁵ This inclusive mindset, on the one hand, is based on the uniting Eucharistic outlook that stresses the transcendent character of the Church prison mission (Penitentsiarnye 2013: IV.1).⁴⁷⁶ On the other hand, the penitentiary system altogether, including

475 «В своём тюремном служении в местах лишения (ограничения) свободы Церковь имеет возможность тесно сотрудничать с государством, поэтому привлекать к своей работе сотрудников государственных пенитенциарных учреждений (юристов, врачей, психологов, педагогов, воспитателей, социальных работников и иных), в том числе пока не являющиеся активными членами Церкви. Важно, чтобы клирики, вдохновляющие работу в сфере тюремного служения, оказывали пастырское внимание сотрудникам государственных учреждений, зачастую особо нуждающимся в духовной помощи» [“In her prison mission in places of freedom deprivation (limitation), the Church has a possibility to cooperate closely with the state and, therefore, involve employees of state penitentiary facilities in her activities (lawyers, doctors, psychologists, teachers, caretakers, social workers, *et cetera*), including not yet active Church members. It is important that the clergy, inspiring the work in the sphere of prison mission, should pay pastoral attention to employees of penitentiary facilities, who often especially need spiritual help”].

476 «Церковь не может сужаться до понятия “Церковь только для заключённых”, ибо Церковь состоит из всех верующих во Христа и объединённых вокруг одной Евхаристии в данном месте, поэтому применительно к рассматриваемому случаю она должна быть доступна для всех участников уголовно-исполнительного процесса в местах принудительного содержания: лиц, содержащихся в пенитенциарных учреждениях, субъектов, оказавшихся в трудной жизненной ситуации в связи с уголовным преследованием, [...] персонала и курсантов УИС, членов семей указанных категорий граждан» [“The Church cannot be narrowed down to the notion of the ‘Church only for prisoners,’ because

family members of prison personnel, amounts to over one million “souls” that could be potentially won for the ROC. The ROC activities in prisons are said to be not limited by formal ethnic, social, and religious frames (Penitentsiarnye 2013: IV.2), and the Church wants to take care of the non-Orthodox, too.

Besides, carrying out her mission in correctional facilities, the ROC can co-operate with federal and local authorities and other actors (Penitentsiarnye 2013: IV.5).⁴⁷⁷ However, this cooperation excludes “pseudo-religious” or occult organizations, criminal or extremist groups, as well as religious communities that try to use prison for proselytism (Penitentsiarnye 2013: IV.5). When it comes to religious rivalry, mostly among Christian denominations on her canonic territory, the ROC finds this particular issue very sensitive. Engaging in prison affairs with all stakeholders, on the one hand, and cooperating with the state, on the other hand, the ROC remains quite down-to-earth in her reasoning:

The Church prison mission cannot generate dependence [for one’s living]. Committing deeds of mercy and compassion to the needs of prisoners or persons released from coercive detention facilities and members of their families, Orthodox Christians must show prudence. A person in need must be allocated not only material benefits but also get help in finding the right way of life [...] because the prison mission of the Church should not replace the responsibility of the state in the sphere of penitentiary and post-penitentiary life of prisoners. (Penitentsiarnye 2013: IV.7)⁴⁷⁸

the Church consists of all believers in Christ united around one Eucharist *in loco*. Therefore, as regards the discussed case, she must be accessible to all participants of the criminal and enforcement process in coercive detention facilities: to persons in the penitentiary facilities; to those who are in a difficult life situation in connection with a criminal proceeding; [...] to personnel and cadets in the correctional system, and to family members of the mentioned categories of citizens”].

477 «Церковь может сотрудничать с центральными органами государственной власти, а также с органами государственной власти на местах, представителями традиционных религий и конфессий, политическими партиями, профсоюзами, благотворительными и иными некоммерческими организациями, деловым сообществом» [“The Church may cooperate with central and local authorities, representatives of the traditional religions and confessions, political parties, trade unions, charity and other non-commercial organizations, and business community”].

478 «Церковное тюремное служение не может порождать иждивенчество. Совершая дела милосердия и сострадания к нуждам заключённых или освобождённым из мест принудительного содержания и членам их семей, православные христиане должны проявлять рассудительность. Нуждающемуся необходимо не только выделять материальные средства, но и помогать в поиске правильного жизненного пути, [...] ибо тюремное служение Церкви не должно подменять собой

Repeatedly, the ROC emphasizes that she does not replace the state in helping the latter improve certain social and/or political situations. It is also not surprising and even commonplace that one of the goals of the Church is formulated in the document as the “mission of the Church in protecting human dignity, freedom, and human rights in penitentiary facilities.”⁴⁷⁹ The Moscow Patriarchate employs the HRD, taking it for granted, defending and promoting the Russian Orthodox model of life in the secular order of things (Penitentsiarnye 2013: II.4). In so doing, the document explicitly builds on the provision on human rights and dignity (see section 5.10).

As for capital punishment, the ROC argues that “the life of a person *does not end* with his bodily death, therefore the Church continues her care for those condemned to capital punishment” (Bases 2000: IX.3).⁴⁸⁰ She welcomes the abolition of this type of punishment in principle, but leaves it up to secular players, “considering the rate of crime and the state of law-enforcement and judiciary; and the more so, the need to protect life of its *bona fide* members” (Bases 2000: IX.3).⁴⁸¹ Hence, the ROC can put up with capital punishment if this measure can guarantee *bonum publicum*.

5.23. The External Public Mission (2013)

The prison mission fits in a broader concept of the external mission of the ROC, being another document adopted in July 2013. The Moscow Patriarchate believes, referring to the Gospel of Matthew, chapter 28, that promotion of Christian values is a key function of the Church. This promotion should nevertheless consider the fact that, historically, forms and methods thereof can vary (Missiia 2013). The external mission implies that the Church addresses people who are outside her (Missiia 2013: 1), that is, who are not baptized in Orthodoxy, with the purpose of acquiring new Church members. People outside the Church can

ответственность государства в сфере пенитенциарной и постпенитенциарной жизни заключённых».

479 «Миссия Церкви в защиту достоинства, свободы и прав человека в пенитенциарных учреждениях».

480 «Для православного сознания жизнь человека *не кончается* с телесной смертью – именно поэтому Церковь не оставляет душепопечения о приговорённых к высшей мере наказания» (Concept 2008: IX.3). (Italics mine).

481 «[Вопрос об отмене или неприменении смертной казни должен решаться обществом свободно], с учётом состояния в нём преступности, правоохранительной и судебной систем, а наипаче соображений охраны жизни благонамеренных членов общества» (Concept 2008: IX.3).

belong to various religious and secular outlooks (Missiia 2013: 1). The chapter devoted to the definition of the external mission rounds up with a statement that the full-scale missionary activity of the ROC became possible only after the fall of the Soviet Union (Missiia 2013: 1).

The ROC conducts her missionary efforts wherever it is possible and/or appropriate (Missiia 2013: 2). However, taking for granted contemporary actualities, the ROC gives preference to the “mission of presence” (*миссия присутствия*) (Missiia 2013: 2), which is a sign of her attempt to lockstep with late modernity. The mission of presence means an indirect expression of the Orthodox position in various spheres of life through four major forms (Missiia 2013: 2). It is noteworthy that, among the forms, the informational one (including both offline and online media) is the first on the list, revealing the overriding importance thereof in the eyes of the ROC leadership. The informational presence implies both information sharing (information about the Church) and interactivity of public discussions (Missiia 2013: 2).

The principle of St. Serafim of Sarov that the Orthodox should show a personal example is put in the fourth place, after cultural presence and social work. It can be argued that neither form excludes the principle of St. Serafim, and that it was listed in vain as one of the forms, whereas it should penetrate the other ones. For instance, in the age of the new media, one’s due online behavior, let alone social or cultural involvement, can arouse interest in the Orthodox values among some Internet users. In any way, the fundamental point of the ROC seems to be flexibility, for she chooses forms in accordance with the context (Missiia 2013: 2).

In her external mission, the ROC distinguishes between the Christian non-Orthodox and non-Christian environment. The ROC underlines that the modern understanding of mission is based on the culture of dialogue (Missiia 2013: 4); and in a “dialogue” with the non-Orthodox, the ROC has specific red lines, which are repeatedly stressed in the document, for instance: “In cases when our partners to the dialogue start revising the eternal and invariable norms, sealed in the Holy Scripture, the dialogue loses its meaning and has to stop” (Missiia 2013: 3).⁴⁸² In her “dialogue” with other religions, the ROC seeks points of mutual agreement on publicly important issues, such as common moral norms and values, peaceful public coexistence, bioethics, and human rights (Missiia 2013: 4). Unlike the straightforward unacceptance of “the other” in the pre-modern times,

482 «В тех случаях, когда наши партнёры по диалогу встают на путь ревизии вечных и неизменных норм, запечатлённых в Священном Писании, диалог теряет смысл и прекращается».

the current ROC's position regarding people of other religions and secular ideologies implies openness and interaction, "love and respect." This attitude helps overcome conflicts and establish solidarity in society (Missiia 2013: 4). The ROC calls this type of mission a "mission of reconciliation" (*миссия примирения*), pointing to the public relevance of her concerns (Missiia 2013: 4).⁴⁸³ Social divergence and diversity in the global world require subtle means of reconciliation based on mutual recognition in the public space. Even the red lines, set by her, testify to the fact. For instance, speaking about countries with non-Orthodox Christian traditions, the document makes a distinction between mission and proselytism (Missiia 2013: 5).⁴⁸⁴ The Moscow Patriarchate sees proselytism as a dangerous phenomenon (Missiia 2013: 3).⁴⁸⁵ However, if the ROC were to provide humanitarian aid to a heterodox Christian community, would she be able

483 «Миссия примирения должна помогать людям осознать возможность и необходимость созидания мира на различных уровнях личного, семейного и общественного бытия» ["The mission of reconciliation must help people realize the possibility and necessity of peacemaking at various levels of personal, family, and public being"].

484 «В странах, где христианство является частью национальной культуры и сформировало идентичность народа, приходы Русской Православной Церкви не используют в деле свидетельства о Православии среди местных жителей такие методы, которые в современном контексте связываются с понятием прозелитизма» ["In countries where Christianity is part of the national culture and where it has shaped the identity of people, parishes of the Russian Orthodox Church do not use in their testimony of Orthodoxy amongst local residents such methods that, in the modern context, are connected with the notion of proselytism"].

485 «Прозелитизм, в отличие от миссии, имеет негативный смысл, поскольку под ним понимаются целенаправленные усилия по обращению других христиан в своё исповедание с применением предосудительных методов. Среди них – экономическое и политическое влияние, использование бедственного положения людей, в котором им предлагается медицинская и гуманитарная помощь, психологическое воздействие, а также пренебрежительное отношение к другим исповеданиям. Прозелитизмом также является организованная миссия среди людей, традиционно и культурно принадлежащих к местной христианской общине» ["Proselytism, unlike mission, has a negative meaning because it implies a purposeful effort to convert other Christians to one's own confession by blameworthy methods. For instance, through economic and political influence, making use of people's plight by offering to them medical and humanitarian aid, via psychological impact, as well as disdain for other confessions. Proselytism is also an organized mission amongst people who traditionally and culturally belong to the local Christian community"].

to do it “anonymously,” without showing her Orthodox character? It seems to be a rhetorical question. In any way, the ROC admits that she is open to a “voluntary” transformation of the non-Orthodox seeking a way to embrace Orthodoxy. Besides, she admits the need for deeds of clemency (*дела милосердия*) in countries where Christianity is a minority, because “the language of good deeds is comprehensible to people of all ethnic backgrounds, religions, and cultures” (Missiia 2013: 5).⁴⁸⁶ Deeds of clemency thus represent a common religious and non-religious language. If this is clear to the ROC, can it be taken as proselytism by aid recipients? It is another rhetorical question.

The paragraph on proselytism seems to exclude non-Orthodox Christians from the group of “heretics” and somehow recognize them within the Orthodox paradigm. Through this device, the ROC introduces a new canon law discourse: at least, some non-Orthodox Christian communities are subject to Orthodox canon law, as they should heed its red lines. This practical position contradicts the internal logic of Orthodox canon law, which is applicable only to the existing LOCs and their parishioners.

5.24. Surrogacy: A Red Line (2013)

In December 2013, the ROC adopted a document called *On Baptism of Babies Born by a “Surrogate Mother”* (*О крещении младенцев, родившихся при помощи «суррогатной матери»*). It represents a good example of the “newoldspeak” of the ROC and her modern reasoning. The practical part of the document follows a long theoretical introduction to the problem, having a twofold solution. On the one hand, surrogate children are not considered an obstacle to baptism in principle (Surrogatnaia 2014: 64).⁴⁸⁷ Moreover, in deadly peril, surrogate children should be

486 «Язык добрых дел понятен для людей всех национальностей, религий и культур».

487 «Ребёнок не может отвечать за поступки своих родителей и не виноват в том, что его появление на свет связано с репродуктивной технологией, осуждаемой Церковью. [...] Ребёнок, рождённый при помощи “суррогатного материнства”, может быть крещён по желанию воспитывающих его лиц, если таковыми являются либо его “биологические родители”, либо “суррогатная мать”, только после того, как они осознают, что, с христианской точки зрения, подобная репродуктивная технология является нравственно предосудительной, и принесут церковное покаяние [...]» [“A child cannot be held responsible for the actions of his/her parents and is not to blame for the fact that his/her coming into the world is connected with reproductive technology, which is condemned by the Church. [...] A child born via ‘surrogacy’ can be baptized based on the wishes of his/her caretakers,

baptized unconditionally (Surrogatnaia 2014: 64).⁴⁸⁸ On the other hand, a refusal to baptize a baby born by a surrogate mother is seen as a public message (Surrogatnaia 2014: 64).⁴⁸⁹ By this canon, the ROC demonstrates to secular society that times have changed, and that society must heed this actor in the country.⁴⁹⁰ This theoretical premise has a strict practical consequence: “If there is no awareness [of unacceptability], then the decision about baptism is to be postponed until children can personally and reasonably opt for it” (Surrogatnaia 2014: 64).⁴⁹¹ Regarding the performers of the sacrament, canon law envisages that the clergy violating this norm should be subject to ecclesiastical punishment (Surrogatnaia 2014: 64).⁴⁹²

if these are either his/her ‘biological parents’ or ‘surrogate mother,’ only after they realize that, from the Christian point of view, this reproductive technology is morally reprehensible, and if they repent [...]”. (Italics mine).

488 «В смертельной опасности благословляется крещение младенцев вне зависимости от обстоятельств их рождения».

489 «Если родители не приносят явного покаяния в содеянном, а восприемники фактически выражают согласие с совершившимся греховным деянием, то о христианском воспитании речи идти не может. Отказ в крещении младенцев в подобном случае будет соответствовать православной традиции, предполагающей согласие крещаемого, а в случае крещения младенца – его родителей и восприемников с учением Церкви. Такой отказ будет иметь также и пастырское значение, так как тем самым *общество получит от Церкви ясный сигнал* о том, что практика “суррогатного материнства” является, с христианской точки зрения, неприемлемой» [“If parents do not demonstrate evident repentance in what has occurred, and godparents in fact concur with the committed sinful action, then we are not talking about a Christian upbringing [of children]. A refusal to baptize babies in this case will be in line with Orthodox tradition, which implies an acceptance by the baptized, and in case of babies – an acceptance by their parents and godparents of the teaching of the Church. This refusal is also of pastoral importance, *for society will thus receive a clear signal from the Church* that the practice of ‘surrogacy’ is unacceptable from a Christian point of view”]. (Italics mine).

490 On March 27, 2017, the Parliament of the Russian Federation registered a draft law on amending the applicable laws on surrogacy by a temporary ban, making an explicit reference to the *Concept* (see Beliakov 2017: 4).

491 «Если же такого осознания не происходит, то решение вопроса о крещении откладывается до времени сознательного личного выбора ребёнка».

492 «В случае, когда в Церковь приносят младенца, рождённого “суррогатной матерью”, вопрос о его крещении может быть решён в соответствии с указанием епархиального архиерея, который обязан руководствоваться в каждом конкретном случае нормами, содержащимися в настоящем документе. Совершение священником таинства крещения в подобном случае без благословения архиерея служит основанием для применения к этому священнику *канонических*

The threat of punishment reminds of ancient Church canons. Nevertheless, canon law requires a certain substantiation, which is provided in the first part of the document. Using the “newoldspeak,” the introductory clauses follow the teaching on marriage, birth, and parenthood in the *Concept*. The introduction also touches on the issue of human dignity. At first, the Orthodox audience is confronted with a challenge of “reproductive biomedical technology,” known as surrogacy, which is a recent achievement of modern medicine. The document notes that this practice is controversial, and that it causes public debates. By adopting the canon, the ROC contributes to this debate, reasoning against the phenomenon in both religious and secular languages, for instance: “The Church finds a great example of motherhood in Panagia Theotokos, whose image reveals the highest dignity of a woman and uniqueness of her maternal calling” (Surrogatnaia 2014: 63).⁴⁹³ By putting together the Mother of God (religious language) and female dignity (secular language) and by deriving female dignity from the image of Theotokos the ROC displays her modern character.

Besides, the Church accepts not only the linguistics of modernity. For example, quoting the *Concept*, the document takes for granted modern medical technology (Surrogatnaia 2014: 63).⁴⁹⁴ “Infertility treatment,” “artificial insemination,” “germ cells,” “fertilized ovum” represent secular language readily used

прещений» [“If a baby born by a ‘surrogate mother’ is brought into the Church, the question of his/her baptism can be solved in accordance with the ruling of the diocese bishop who is obliged to be guided by the norms herein. Conducting the sacrament of baptism in this case without a blessing of the bishop is a reason to apply *canonic punishment* to the priest”]. (Italics mine).

493 «Великий пример материнства Церковь видит в Пресвятой Богородице, чей образ раскрывает высочайшее достоинство женщины и уникальность её материнского призвания».

494 «Серьёзной проблемой, с которой нередко сталкиваются семьи, является бесплодие одного или обоих супругов. Церковь сочувствует бездетным супругам, благословляя им молиться о даровании потомства, обращаться к врачам для лечения бесплодия, а также усыновлять (удочерять) детей. Допустимым средством медицинской помощи бездетным супругам Церковь считает искусственное оплодотворение половыми клетками мужа, если это не сопровождается уничтожением оплодотворённых яйцеклеток» [“A serious problem that families face quite often is infertility of one or both spouses. The Church feels for infertile spouses, blessing them to pray for getting posterity and to address doctors to treat infertility, as well as to adopt children. The Church takes artificial fertilization by husband’s germ cells an acceptable means of medical help to infertile spouses, if it is not accompanied by a destruction of the fertilized ova”].

in the context. There is, however, a counter condition for the acceptance of the modern terms: they must not contradict certain moral prerequisites. The latter refer to the human rights and female dignity discourse (Surrogatnaia 2014: 63).⁴⁹⁵ The issue of female dignity is in itself a secular product, and it is interpreted in secular terms, stressing the exploitation of women's bodies.

Furthermore, the ROC elaborates on the downsides of the phenomenon in the language of public reason (Surrogatnaia 2014: 63–64). First, the document underlines negative psychological implications for a biological mother who is deprived of pregnancy experience. Second, a surrogate mother is forced to give up the baby born by her. Third, the Church cares for the baby who thus has two mothers; besides, a contractor can be a single male. Fourth, the ROC believes that society is losing the understanding of what the institution of family is by disconnecting children and parents, as well as grandparents. Apart from this, she fears a radical change of the concept of a human being, which is shifting from traditional “unique personality” towards “biological species” and “genetic material” that can be manipulated and reconstructed at will. At this point, the canon complies with the *Concept* (Surrogatnaia 2014: 64; cf. *Concept* 2008: XII.4).⁴⁹⁶ The ROC warns society that reproductive technology often becomes a means of generating income, including donors of germ cells and surrogate mothers. As a result, the “sacrament of birth” becomes a traded product (Surrogatnaia 2014: 64):

To replace God-commanded marriage based on love and fidelity, there comes a “market of reproductive services,” which is ready to satisfy any consumer's demand concerning artificial childbirth in line with input parameters. (Surrogatnaia 2014: 64)⁴⁹⁷

495 «Сам термин “суррогатное материнство” указывает на искажение высокого понимания материнского долга и призвания. Соответствующая практика является унижением человеческого достоинства женщины, тело которой в данном случае рассматривается как своего рода инкубатор» [“The very term ‘surrogacy’ points at a distortion of the high understanding of maternal duty and calling. The relevant practice humiliates human dignity of a woman, whose body in this case is seen as a sort of incubator”]. (Italics mine).

496 «В мире постепенно вырабатывается отношение к человеческой жизни как к продукту, который можно выбирать согласно собственным склонностям и которым можно распоряжаться наравне с материальными ценностями» (*Concept* 2008: XII.4) [“There is a growing attitude to the human life as a product which can be chosen according to one's own inclinations and which can be disposed of along with material goods”] (*Bases* 2000: XII.4)].

497 «На смену богозаповеданному супружеству, основанному на любви и верности, приходит “рынок репродуктивных услуг”, готовый удовлетворить любой

This paragraph's language is noteworthy: the positive moments in the eyes of the ROC are expressed in traditional religious terms, whereas the negative ones (except rather neutral "artificial birth") are expressed in secular language. Moreover, the latter refers to the market economy ("market of reproductive services," "consumer's demand," "input parameters") and seems to be especially negative in the context. Here, therefore, the religious approach to birth is set off as a positive feature against *laissez-faire* capitalism, with a rather neutral secular aspect in-between (medical interference).

5.25. The Inter-Christian Primacy (2013)

Along with the above provision, in December 2013, the Holy Synod of the ROC adopted a document called *Position of the Moscow Patriarchate on the Issue of Primacy in the Ecumenical Church* (Позиция Московского Патриархата по вопросу о первенстве во Вселенской Церкви). It is a reply to the Roman Catholic claims on the Pope's precedence in the modern Christian world, expressed in the Declaration of Ravenna of 2007 (Pervenstvo 2013). This point demonstrates that the ROC leaders are concerned with what the Vatican says, despite the fact that only Orthodoxy is recognized as the Church *per se* (cf. Inoslavie 2008: 1.1). Combined with the issue of canonic territory, it reveals a certain contradiction between the premises of Orthodox canon law: if Orthodoxy is the Church, the rest of the Christian communities have no relevance in this respect. Besides, if the ROC leaders constantly think about the Vatican, they recognize that the Roman Catholic discourse is of relevance for the Orthodox Church.

The document on primacy has a tripartite structure, analyzing the problem at the local (diocese), regional (autocephalous LOCs), and ecumenical level (Pervenstvo 2013: 2). It argues that dioceses are headed by bishops, and in the LOCs, bishops elect their primate in accordance with Apostolic Canon 34 (Pervenstvo 2013: 2.2).⁴⁹⁸ The primate's power is thus the power of the "first one among the

запрос потребителя на искусственное рождение ребёнка в соответствии с заданными параметрами».

498 «Епископам всякого народа [= "nation"] подобает знать первого в них, и признавать его как главу, и ничего превышающего их власть не творить без его рассуждения: творить же каждому только то, что касается до его епархии и до мест, к ней принадлежащих. Но и первый ничего да не творит без рассуждения всех». The Greek original: "Τοὺς ἐπισκόπους ἐκάστον ἔθλους, εἰδέναι χρὴ τὸν ἐν αὐτοῖς πρῶτον, καὶ ἡγεῖσθαι αὐτὸν ὡς κεφαλὴν, καὶ μὴδὲν τι [περιττὸν] πράττειν ἄνευ τῆς ἐκείνου γνώμης· ἐκεῖνα δὲ μόνα [πράττειν] ἕκαστον, ὅσα τῇ αὐτοῦ παροικίᾳ ἐπιβάλλει καὶ ταῖς ὑπ' αὐτὴν χώραις. Ἀλλὰ μὴδὲ ἐκεῖνος ἄνευ τῆς πάντων γνώμης

equal,” and he governs his Local Church “in a conciliar way – in cooperation with other bishops” (Pervenstvo 2013: 2.2).⁴⁹⁹ As for the third level, the ROC sees the basis of the ecumenical Church primacy in the so-called diptych tradition, established in the pre-modern era (Pervenstvo 2013: 2.3).⁵⁰⁰

The document admits that the order in the diptych is not stable, and that it is subject to change. For example, the Roman pulpit used to be recognized as the primate in the first millennium C.E. (Pervenstvo 2013: 2.3). In the second millennium and until today, the primacy of honor belongs to the pulpit of Constantinople, which was called “New Rome.” Each time, the principle of and the reasoning for the choice of primacy in the diptych was the capital status of the pulpit city, that is, a dependence on state power. However, today, there is no more Constantinople: it

ποιεῖτω τι” (Metzger 1987: 284; cf. Pedalion 1886: 42) [“Bishops of every *ethnos* should know the first of them, acknowledge him as a head, and do nothing without his deliberation. Each of them should do only what pertains to his diocese and its districts. However, the primate should not do anything without the deliberation of all”]. It seems that the word ἔθνος at this point should be understood as “province” (LSJ 1961: 480) or perhaps “local church” (cf. Lampe 1961: 407), and not as “a people” or “nation.” In particular, the meaning “province” is attested in the III century C.E.; and *The Apostolic Canons* are a product of the IV century C.E., which borrowed their material from the Council of Antioch that took place in c. 330 C.E. (Ohme 2012: 44), whose parallel Canon 9 has ἐπαρχία (= *provincia*) instead of ἔθνος (DGA 1962b: 110; Pedalion 1886: 334). Originally, *provincia* was a conquered region outside Italia, e.g., Gallia (cf. *la Provence*), which was governed by a Roman official. It explains the derivation of “province” from ἔθνος.

499 «Соборно – в соработничестве с другими епископами».

500 «На уровне Вселенской Церкви как сообщества автокефальных Поместных Церквей [...] первенство определяется в соответствии с традицией священных диптихов и является первенством чести. Эта традиция восходит к правилам Вселенских соборов (3-е II Вселенского собора, 28-е IV Вселенского собора и 36 VI Вселенского собора) и подтверждается на протяжении церковной истории в деяниях Соборов отдельных Поместных Церквей, а также в практике литургического поминовения Предстоятелем каждой Автокефальной Церкви Предстоятелей других Поместных Церквей в порядке священных диптихов» [“At the level of the Ecumenical Church as a community of autonomous Local Churches [...], primacy is defined in accordance with the tradition of the sacred diptychs, which is the primacy of honor. This tradition goes down to the rules of the Ecumenical Councils (Rule 3 of the II Ecumenical Council, Rule 28 of the IV Ecumenical Council, and Rule 36 of the VI Ecumenical Council) and is attested throughout Church history by acts of some local church councils, as well as in the practice of liturgical commemoration, by a primate of every LOC, of primates of other LOCs in line with the sacred diptychs.”]

is Istanbul in Turkey, in a Muslim state. Besides, the actual Orthodox community of Istanbul consists of only a few thousand believers, dependent on the benevolence of the non-Christian environment. Hence, both “Romes” are in the past: the first Rome is Roman Catholic, and the second one is Muslim. If diptychs can change, however, there is no canonic obstacle to alter them again – for instance, in favor of the leading actor in the modern Orthodox world, which is the Moscow Patriarchate. Nonetheless, Moscow is infatuated with the idea of Constantinople, supporting Istanbul’s role of “ecumenical patriarchate,” whereas in reality it could initiate changes in the Orthodox commonwealth. This partial longing and belonging to the Byzantine past is a traditional feature of the ROC on the background of her modern cultural program.⁵⁰¹

That said, one could foresee a possible change of the Orthodox agenda in the future, which is likely to be connected with the Kremlin’s geopolitical play. The ROC stresses that ecumenical primacy is the “primacy of honor” and not of actual power, and that canons stipulate no additional authority (Pervenstvo 2013: 2.3). The document concludes:

The Constantinople patriarchal pulpit has the primacy of honor based on the sacred diptychs [...]. The contents of this primacy are defined by the consensus of the Local Orthodox Churches [...]. Implementing his primacy, the Primate of the Church of Constantinople may come up with initiatives of the Pan-Orthodox scope and appeal to the external world on behalf of the Orthodox plethora, if he is authorized to act this way by all Local Orthodox Churches. (Pervenstvo 2013: 5)⁵⁰²

Hence, the first two ecclesiastical levels imply administrative functions, whereas the third level is rather a figurehead. As a result, the Russian canonic thought remains tied to the two “Romes” concept, on the one hand, and to a few Church centers such as Jerusalem, Antioch, Alexandria, Rome, and Constantinople that

501 I say “partial” because, when it comes to “business,” the ROC is very pragmatic in her dealings with the Ecumenical Patriarchate, struggling with it without compromises over canonic territory and influence in the Orthodox community (see Edinstvo 2008; Maslov/Serebrich/Ivanov/Rogatin 2017: 153).

502 «Константинопольская патриаршая кафедра обладает первенством чести на основании священных диптихов [...]. Содержательное же наполнение этого первенства определяется консенсусом Поместных Православных Церквей [...]. Осуществляя своё первенство, Предстоятель Константинопольской Церкви может выступать с инициативами общеправославного масштаба, а также обращаться к внешнему миру от имени всей православной полноты при условии, что он уполномочен на это всеми Поместными Православными Церквями».

were recognized in the ancient world, on the other hand. The stillness of this paradigm and the ancient models remain unscathed. They predetermine to a certain extent the ROC's perception of modernity, and contribute to conflicts between some LOCs over mutual boundaries and influence. It is strange that the formal primacy of honor among the LOCs, and even between the ROC and the RCC, is a burning problem, but the fact is: Russian Orthodoxy, in particular, and Orthodoxy, in general, partly live in a parallel world of their imagination, struggling for the heritage of ancient Constantinople as if Istanbul did not exist. A focus on the erstwhile East Roman Empire remains a factor of the Russian Orthodox worldview that keeps shaping the canonic discourse.

5.26. Alcoholism: A Grave Threat to Society (2014)

An interesting document on alcoholism was adopted by the Holy Synod of the ROC in July 2014. It views alcoholism in Russia as a grave threat to society (Trezvost' 2015: 31).⁵⁰³ The Church makes clear that she is concerned about the situation⁵⁰⁴ and views alcoholism as a severe problem that deprives addicted people of the soteriological perspective and that requires actions similar to the ones proposed in the provision on drugs (Trezvost' 2015: I).⁵⁰⁵ Sobriety and a

503 «Одной из главных угроз здоровью и самой жизни народов государств, составляющих каноническую территорию Русской Православной Церкви, является злоупотребление алкогольными напитками. [...] Сегодня пьянство является одной из основных причин высокого уровня смертности, заболеваемости, травматизма и преступности, а также кризиса семьи, снижения уровня нравственности и культуры, утраты уважения к труду» [“One of the main threats to health and the very life of the peoples of the states that make up the canonic territory of the Russian Orthodox Church is abuse of alcohol. [...] Today, alcoholism is one of the key reasons of the high death, disease, traumatism, and criminal rate, as well as family crisis, decrease in morality and culture, and loss of respect for labor”].

504 Cf. the data of the Russian Federal Service for Surveillance of Consumer Rights Protection and Human Wellbeing (Rospotrebnadzor): «[в] России злоупотребление алкоголем приводит к преждевременной, предотвратимой смерти около полумиллиона человек ежегодно, будучи причиной смертности около 30% мужчин и 15% – женщин» [“[i]n Russia, the abuse of alcohol results in early and avertable death of about a *half million* people per year, being the cause of death of some 30% men and 15% women” (Rospotrebnadzor 2016)]. (Italics mine).

505 «Православная Церковь рассматривает алкоголизм как тяжелое душевное заболевание, сопровождающееся глубокими повреждениями психосоматического характера, излечение которого невозможно без осознания болящим духовной природы своего недуга, полного и искреннего покаяния, обращения к полноте

complete refraining from alcohol consumption are seen as a solution that can be implemented in the prophylactics of alcoholism and rehabilitation of the addicted (Trezvost' 2015: VI).

For that purpose, the ROC singles out three interwoven areas of her activities: general propaganda of sobriety as a public ideal; reaching out to those who can still be distracted from falling into alcohol addiction; and a full-scale rehabilitation of the addicted (Trezvost' 2015: II). Besides, the ROC puts forward five levels of anti-alcoholism activities: the general ROC level; the diocese level; archipresbyterates; parishes; and monasteries (Trezvost' 2015: III). In all the cases, Orthodox believers and the clergy must show examples of sober life.

Special attention is paid to cooperation with state and public sphere, whereby the Church does not substitute state or public institutions and facilities, but helps organize and control their work for the benefit of the addicted; the only red line is that the ROC cannot cooperate with those entities, whose activities contradict the Church doctrine or are illegal from the point of view of secular law (Trezvost' 2015: IV).⁵⁰⁶

Moreover, the mass media are deemed crucial for elucidating the problem and carrying out specific pro-sobriety information campaigns. Noteworthy is the ROC's unacceptance of any advertisement of alcohol in the media (Trezvost' 2015: V). It is also noteworthy that, considering the death rate, the overcoming of alcoholism is described in the document as a war for sobriety and a struggle for public harmony, that is, as a grave social problem with a soteriological message.

506 благодати Христовой» [“The Orthodox Church sees alcoholism as a severe mental disease accompanied by a serious psycho-somatic damage, whose healing is impossible without the awareness by the diseased of the spiritual nature of their ailment, complete and honest repentance, and appeal to the plethora of Christ's grace”].
 «Церковь считает необходимым взаимодействие с общественными объединениями и отдельными энтузиастами в области профилактики алкоголизма, реабилитации и реадaptации лиц, страдающих алкогольной зависимостью. При этом сотрудничество возможно только с теми организациями и движениями, деятельность которых не противоречит вероучению Православной Церкви и действующему законодательству» [“The Church deems necessary the interaction with public organizations and enthusiasts on prophylactics of alcoholism, rehabilitation and re-adaptation of the addicted. At the same time, this cooperation is possible only with those organizations and movements, whose activities do not contradict the doctrine of the Orthodox Church and applicable [state] law”].

5.27. Migrants: Christian Mission → Social Harmony → Orthodox *Leitkultur* (2014)

One of the most surprising, yet timely, canonic documents of the modern ROC is *Principles and Directions of Work with Migrants in the Russian Orthodox Church* (*Принципы и направления работы с мигрантами в Русской Православной Церкви*), adopted in November 2014. Written largely in secular language, it continues the provisions related to the external mission of the Church (cf. section 5.23). The topicality of the document is emphasized by the situation in Europe, by the fact that migrants come mostly from countries of the Middle East and Central Asia and radically differ from (post-)Christian mentality and way of life in Europe. The Russian Federation has a similar problem with migrants from Central Asia who grew up in a different cultural environment, who can hardly speak Russian and have little education.

The document begins with an appeal to the “modern world” with its social and political challenges, one of which is the phenomenon of mass migration (Migranty 2014).⁵⁰⁷ Considering the challenges, the ROC feels bound to become part of the process of social “harmonization between migrants and the rooted population” (Migranty 2014),⁵⁰⁸ breaking and transforming the migrants-vs-locals dichotomy. The harmonization process is described in HRD language, as a bilateral complementary interaction. The Church “appeals to the indigenous population to overcome xenophobia, especially an aggressive one; and to migrants to integrate into the receiving society in a harmonious way, with respect to its traditions, cultural, moral, and spiritual values” (Migranty 2014: 2),⁵⁰⁹ without asking the question if Muslim migrants would take heed of Christianity and the ROC. Furthermore, migrants must give up some “alien models of behavior,”⁵¹⁰ which

507 «В современном мире, с его непростыми политическими и экономическими реалиями, многие люди вынуждены, оставляя родные места, переезжать в другие государства или регионы, адаптироваться к новым для себя социокультурным условиям, интегрироваться в незнакомое общество» [“In the modern world with its difficult political and economic actualities, many people have to move to other states or regions, leaving their homeland and adapting to new social and cultural conditions, integrating into foreign societies”].

508 «[Церковь] заботится о гармонизации их отношений с коренным населением».

509 «Церковь призывает коренное население к преодолению ксенофобии, особенно агрессивной, а мигрантов – к гармоничной интеграции в принимающее общество с уважением к его традициям, культурным, нравственным и духовным ценностям».

510 «Несвойственные модели поведения».

may lead to an “escalation of inter-ethnic tensions.”⁵¹¹ The ROC turns the discussion towards the rights talk, stating that in modern society migrants are one of the least protected social groups (Migranty 2014: 1).⁵¹² Hospitality to strangers (*странноприимство*) is seen in this connection as a way to express the human rights agenda by means of religious language. For that sake, the document alludes to the words of Jesus Christ in the New Testament (Mt 25: 34–40): “Whatever you did for one of the least of these brothers of mine, you did for me” (NIV). The ROC metonymizes Christ and groups of migrants in general, although the Scripture speaks about “one person” (ἐνὶ τούτων τῶν ἀδελφῶν μου). The metonymy thus reflects the modern thinking of the Church leaders. Admitting this, the document concludes that the social engagement is a wonderful opportunity to share the Christian faith with migrants.⁵¹³ This mindset exhibits supranational preferences of the ROC legislators as opposed to Russian national stances in some other cases.

Besides, the ROC seeks to cooperate with state and society because migrants require specific schooling with consideration of their linguistic, cultural, and legal background (Migranty 2014: 2). In this regard, the ROC finds it facilitating to conclude specific agreements with federal and regional departments of the government and public organization, including diasporic “trade unions,” as I call them. Practice shows that this complementary cooperation is well underway (cf. Soglashenie 2010a, b, c; 2011a, b; 2012; 2013). Furthermore, the ROC wants her believers to shape a positive image of Orthodoxy by demonstrating advantages of the legal stay and work rights in the country. In turn, legal status requires juridical assistance, in particular in the form of a “package of permits” (*наклет документов*).

A part of the document is dedicated to religion. It is stressed that Orthodox migrants are especially welcome by the ROC. On the other hand, migrants belonging to non-Christian religions require an “inter-religious dialogue.” Here, the ROC targets *bonum publicum* and attempts to involve the migrants, known for their “constructive activities” (*конструктивная деятельность*), in the existing religious communities in Russian society (Migranty 2014: 2). Considering the problem of fundamentalist Islamic movements, Muslim migrants should be encouraged to join “secure” trends of Islam.

511 «Эскалация межэтнической напряжённости».

512 «В современном обществе большинство мигрантов являются одной из наименее защищённых социальных категорий».

513 «Гостеприимство всегда было одним из лучших средств проповеди христианства».

An interesting discussion about migrants from both the state and the ROC's points of view – or, perhaps, point of view (in the singular)⁵¹⁴ – represents an interview, in February 2015, with Metropolitan Ilarion and Tat'iana Bazhan, Head of the Migration Facilitation of the Federal Migration Service (Ilarion 2015). The following circumstances call for attention. First, the cooperation between the ROC and the state in terms of approaching the migration problem has a firm foundation. At the top level, the two parties concluded in 2013 a general agreement on collaboration (Soglashenie 2013) with a working joint commission, represented from the ROC side by the Public Relations department (Ilarion 2015). The need for such partnership was realized by the Federal Service in 2010, when, instead of simply documenting trends in migration, it thought productive to provide a humanities component (Ilarion 2015). The aforementioned commission helps funnel the cooperation further to the regional level of the ROC dioceses, where local departments of the Federal Service concluded over seventy agreements with the ROC.

As a result, by February 2015, in Russia there were organized thirty-nine special language courses with the support of the Church (Ilarion 2015). It is underlined that most migrants come from the ex-USSR republics of Central Asia. However, they usually have no awareness of Russian culture and speak little Russian. Ilarion had to stress that, in collaborating with the state on the educational basis, the ROC does not aim at proselytism, given that the vast masses of migrants are Muslims (Ilarion 2015). Rather, understanding the inevitability of migration processes, the ROC leadership wants to protect its interests within the Russian Federation and secure Orthodox dominance in the future (Ilarion 2015).⁵¹⁵ In this connection, the modern German principle of *Leitkultur* can be adduced as a parallel in Western Europe.

514 Cf.: «У Церкви и государства [...] общая цель, – чтобы все люди в нашей стране жили в мире и согласии» (Ilarion 2015) [“The Church and the state have a [...] common goal – that all people in our country should live in peace and consent”].

515 «Работа по адаптации иммигрантов в этом смысле очень важна не только для государства, но и для Церкви. То есть мы, не задаваясь целью обратить всех в Православие, ставим перед собой задачу создать тот благоприятный, дружественный фон, на котором могут спокойно, без всяких угроз для своих верующих, развиваться религиозные конфессии» [“The work on the adaptation of immigrants is very important in this sense not only for the state, but also for the Church. That is to say, not aiming at converting all into Orthodoxy, we aim to create a friendly and favorable background upon which religious confessions can develop peacefully, without any threat to their believers”].

Education for the newcomers helps eliminate religious ignorance, which is still a factor in social life (Ilarion 2015). Migrants must learn to respect others and coexist with them without conflicts (Ilarion 2015).⁵¹⁶ Migrants are thus put up with as an inevitability, and the principle of their cultural adaptation comes to the fore. The adaptation policy resulted in two textbooks for migrants. One of them was prepared by the ROC, and it deals specifically with the problem of Chinese settlers in the Russian Far East. It is not a straight-out Orthodox catechism; the authors rather speak of Russian culture in general, not forgetting, of course, the ROC (Ilarion 2015).⁵¹⁷ Given that all migrants in Russia starting from January 2015 must take an examination in the Russian language, bases of Russian history and law, the Church initiative is welcome by the Federal Migration Service (Ilarion 2015).⁵¹⁸ On the other hand, the ROC developed another textbook for

516 «А мир и согласие достигаются тогда, когда люди понимают друг друга, когда происходит вхождение иммигрантов в языковую и культурную среду и постигаются принципы, нормы и правила принимающего их народа; когда они понимают, что такое святость, что такое святыня, и уважают то, что свято для людей другой религии, живущих рядом» [“Peace and consent are achieved when people understand each other, when migrants enter into language and culture, and when principles, norms, and rules of the people receiving them are comprehended. When they realize what a shrine is, what holiness is, and respect what is sacred for the people of another religion living beside them”].

517 «Мы, в частности, по поручению Патриарха, под эгидой Высшего Церковного Совета подготовили учебник для иммигрантов из Китая. Это не учебник по Закону Божию, не учебник по истории Церкви. Это учебник, в котором мы попытались рассказать, прежде всего, о нашей стране, о её культуре, которая зиждется на православных ценностях, и о роли Церкви в культурной, общественной и государственной жизни нашей страны» [“In particular, requested by the Patriarch, we, under the auspices of the Supreme Church Board, prepared a textbook for migrants from China. It is neither a textbook on God’s Law nor a textbook on Church history. It is a textbook in which we tried to speak first of all about our country, its culture that rests upon Orthodox values, as well as the Church’s role in cultural, public, and state life of our country”].

518 «С 1 января текущего года все иностранные граждане, которые планируют осуществлять трудовую деятельность на территории нашей страны, а также иностранные граждане, желающие получить разрешение на временное проживание или вид на жительство, обязаны сдавать экзамен по русскому языку, истории России и основам законодательства Российской Федерации. Поэтому очень важно и весьма своевременно, что подготовлен такой учебник, тем более, для конкретной структуры, для конкретного этноса» [“Beginning with January 1 of the year [2015], all foreign citizens who plan to work on the territory of our country, as well as foreign citizens who wish to obtain a permit for temporary

migrants from the Caucasus and Central Asia, and the FMS noted that the first experiment with it in the southern regions of Russia was a success (Ilarion 2015).

Another significant and new category of migrants is people from Eastern Ukraine, who came to Russia in hundreds of thousands. Namely, between April 1, 2014 and September 4, 2015, the number of refugees from Donbass, who came to and stayed in the Russian Federation, amounted to 1 056 587 persons, out of whom 11% applied for Russian citizenship and 13% applied for the re-settler status (FMS 2015). In the eyes of Ilarion, for these people the Russian language and culture are their own, which is correct; nevertheless, they are in need of psychological, spiritual, and material help; and the state and the Church have to distinguish between responsibilities: the state can help materially, and the Church spiritually (Ilarion 2015).

Time and again, the ROC leaders point to the cooperation between the two independent powers, redesigned under modern circumstances: the two are deemed completely independent and legally separated, yet they cooperate shoulder to shoulder in many an issue, such as the migration problem, pursuing each other's goals in a mutually satisfying fashion. The close cooperation between the ROC and authorities of the Russian Federation in the field of mass migration is a manifestation of the "reloaded" symphony of powers.

5.28. The Ecology Doctrine Revisited (2015)

In July 2015, the ROC amended her doctrine on ecology adopted in 2013 (see section 5.19), with *Methodological Recommendations on Participation of the Russian Orthodox Church in Ecological Activities* (*Методические рекомендации об участии Русской Православной Церкви в природоохранной деятельности*), whose implementation is proposed to be carried out at four interconnected Church levels: pan-ROC; in dioceses; in deaneries; and in parishes. At the pan-ROC level, the issue is managed by the Department of Public Relations of the Moscow Patriarchate. Besides, since 2014, the ROC founded a special organization on ecology under the said Department (Ekologiia 2015).⁵¹⁹ The amendments

residence or a residence permit, are obliged to take an examination in the Russian language, history of Russia, and bases of Russian law. Therefore, it is very important and timely that such a textbook was developed, especially considering the structure and the ethnos"].

519 «В целях развития церковно-государственных и церковно-общественных отношений по вопросам и проблемам экологии при Отделе Московского Патриархата по взаимоотношениям Церкви и общества по благословению

can be summarized as “participation” in and “evaluation” or “support” of various regional, national, and international events on ecology and a “dialogue” with the state and public organizations and respective initiatives. More peculiar is the formula “development of the church-public presence” in the field,⁵²⁰ presence in the media being a key to the ROC’s cultural program in general (see section 5.18).⁵²¹

To secure this ecological mindset in the Orthodox model of life, the ROC has a special day in her liturgical calendar (the first Sunday of September) dedicated to the liturgical commemoration of the God’s creation through a new prayer developed for that purpose.⁵²² The ROC under Kirill understands the verse from the Book of Genesis to keep the Garden of Eden as a commandment reinterpreted in terms of sustaining the ecological balance in the world (cf. section 6.4.3).⁵²³

Святейшего Патриарха Московского и всея Руси Кирилла в 2014 году создана Церковно-общественная природоохранная организация, в совет которой входят представители органов власти и экспертного сообщества» [“In order to develop the church-state and church-public relations regarding the issues and problems of ecology, upon the blessing of the Most Holy Patriarch of Moscow and All Rus’ Kirill, in 2014, a church-public ecology organization under the Department of Public Relations was created, consisting of representatives of authorities and expert community”].

520 «Развитие церковно-общественного присутствия».

521 Cf.: «Обеспечение информационной поддержки экологической деятельности в благочинии, включая видео- и фотосъёмку реализуемых проектов, создание архива экологической работы в благочинии; отражение этой работы на сайте благочиния, в социальных сетях и блогах» [“Provision of informational support for the ecological activities of the deanery, including filming and photoshooting of the implemented projects; creation of archives of the ecological work of the deanery, and reflection of this work on deanery’s website, in social networks, and blogs”].

522 «Одним из наиболее значимых решений в сфере общецерковной экологической деятельности является установление в первое воскресенье сентября ежегодного Дня молитвы о Божием творении с совершением особых молитвословий, установленных Священным Синодом» [“One of the most important decisions in the field of the pan-Church ecological activities is establishment, on the first Sunday of September, of the annual Day of prayer for the God’s creation, involving special prayers defined by the Holy Synod”].

523 Cf. also the following wording: «Полагая необходимым исполнение непреложной заповеди Божией о хранении Его творения, а также заботу о нравственном состоянии человека, Церковь призывает своих верных чад и все благонамеренные силы общества проявлять внимание к состоянию окружающей среды, к поиску путей преодоления экологических проблем» [“Based on the necessity of fulfilling the indisputable God’s commandment of keeping His creation intact,

5.29. Summary

The history of post-Soviet ROC canon law starts in early 1992. Following the collapse of the USSR, the post-Soviet agglomeration faced a new reality of political independence and nationalism, connected with a steep decline in social infrastructure. The first ROC's document was an outline of what later became her fully-fledged cultural program. The Church stressed the need for the whole society to achieve a social transfiguration. State nationalism and neglect of moral norms, as well as the influx of new religious movements became points of her concern. The conflict of 1993 resulted in a resolution of the ROC on the principles of her relations with state and society, when the Church clearly presented herself as an independent public actor. The challenges of the 1990s found their reflection in the ecclesiastical provisions regarding the practices of Orthodox fundamentalists and popular fear of "digital Antichrist," connected with painful encounters of the Orthodox community with late modernity. Such encounters urged the ROC to come up with the famous and comprehensive *Concept*, tackling various modern problems from a rather reserved perspective. An evolution from a defending entity to a confident and mature organism can be detected in ROC canon law over the years. With the enthronement of Kirill in 2009, the ROC became a public player with an active informational policy. New documents discuss such exotic topics for Orthodoxy as ecology, drug addiction, alcoholism, small peoples, mass migration, and surrogacy. In her provisions, the ROC pays special attention to cooperation with the state, modeled as a "reloaded" version of the Byzantine principle of symphony of powers.

as well as the care of the moral state of the man, the Church calls on her faithful children and all *bona fide* forces of society to pay attention to the environment, to finding ways of overcoming the ecological problems"]].

6. Metareflection: Tradition, Modernity, Orthodoxy

6.1. Theology of Church Power

6.1.1. Symphony of Powers as a Metonymy

The IV Ecumenical Council held in Chalcedon (451 C.E.) came up with a famous and crucial for the Orthodox Church dogma on two natures in Christ. The human and divine natures in Christ were defined as independent, yet densely interconnected (DEC 1990: 86).⁵²⁴ In other words, they are believed to coexist in Christ in a certain symphony, neither altering their properties nor being subordinated to each other. This independent interconnectedness allows theology to metonymize them, and the notion ἀντιμεθίστασις τῶν ιδιωμάτων (or *communicatio idiomatum*) became a standard device in Orthodoxy. It is theologically legitimate in connection with Christ to state, for instance, that “God suffered” on the cross or that “the man raised” Lazarus from the dead (Jn 11). In terms of political manifestations of symphony, the ideas of the mentioned dogma are applied to church-state relations. Besides, the accounts that the ROC violates the principle of secularity, which is set forth in the Russian Constitution, can be fended off by it. The ROC wants to be an independent public actor to influence politics, and particularly the decision-making process. This is quite in order, and various public forces influence the state without actually replacing it. As we saw above, the clergy may not become public servants, but nothing forbids them to “guide” the authorities that might seek spiritual advice. The ROC’s documents speak about the Church as a “power,” both in the liturgical and administrative sense (cf. Perventstvo 2013). Would it not be more productive to speak about “functions” or “responsibilities” of bishops, such as the functions of the bishop at the liturgy and responsibilities regarding his diocese? However, things are not that simple if we look at the issue from an international perspective. First and foremost, it has to do with peculiarities of the theological self-reflection of the Church, discussed below.

524 “[ἐ]να καὶ τὸν αὐτὸν Χριστὸν υἱὸν κύριον μονογενῆ, ἐν δύο φύσεσιν ἀσυγχύτως, ἀτρέπτως, ἀδιαιρέτως, ἀχωρίστως γνωριζόμενον, οὐδαμοῦ τῆς τῶν φύσεων διαφορᾶς ἀνηρημένης διὰ τὴν ἕνωσιν [...]” “[we believe in Jesus] cognized as one and the same Christ, the Son, the Lord, the Only-Begotten, in two natures unconfusedly, invariably, indivisibly, inseparably; in no wise removing the difference of the natures via the union [...]”

6.1.2. “Universal”

The *Concept* argues that the universal Orthodox Church has a specific dual structure, expressed in the ROC’s provision as follows: “The Orthodox Church, being universal, consists of many Autocephalous Local Churches” (Concept 2008: II.2).⁵²⁵ This can be tackled as both formally true and intrinsically false. If the Church is one, then she does not “consist” of anything. It further puts forward the problem of preeminence in the modern Christian world. The ROC dedicated a special document to this problem, arguing that the Roman Catholic doctrine concerning “universal” power of the Roman bishop is unacceptable for the Orthodox. Actively cooperating with the Vatican on many an issue, the ROC leaders are still concerned about the claims of the Vatican for the universal preeminence. Interpretations of the Greek notion “catholic” are very important in this respect. The problem is that, following St. Augustine,⁵²⁶ the word καθολική is understood widely in terms of geography (Schoedel 1985: 243).⁵²⁷ This interpretation deviates from the initial Greek idea of καθολική. Rendering it as “orthodox” is also problematic, since the subject is not about the doctrine of faith but about the inner dimension of the Church. On the other hand, for example, Russian theological tradition is largely based on the Church Slavonic text of the Creed, in which καθολική is rendered соборная. The meaning thus goes down to either “council” or “cathedral,” and “to gather.” The said tradition predictably favors the interpretation “gathered [in council],” wherefore “the Church is often described as the ‘Church of the Councils,’ and her government as ‘conciliar’ (*sobornyi* in Russian)” (Schmemmann 1992: 158).⁵²⁸

6.1.3. “Conciliar”

Aleksei Khomiakov, being the only lay theologian quoted in the *Concept* (§ I.1), has significantly contributed to the spreading of this concept. Arguing against

525 «Православная Церковь, будучи вселенской, состоит из множества Автокефальных Поместных Церквей».

526 “Ipsa est enim Ecclesia catholica: unde καθολική graece appellatur, quod per totum orbem terrarum diffunditur” (PL 33: 194) [“The Church herself is catholic: she is called in Greek καθολική, i.e., that which is dispersed all over the earth”].

527 “The literature is dominated by the view of Lightfoot that [...] καθολική means ‘universal’ (with reference to geographic extension) rather than ‘catholic’ (with reference to the church’s orthodoxy).”

528 Cf.: “The Orthodox Church, in her unity and catholicity, is *the Church of Councils*, from the Apostolic Council in Jerusalem (Acts 15: 5–29) to the present day” (Encyclical 2016: I.3).

the Roman Catholic view that καθολική should be understood as “universal” in the sense of geography, he referred to Church Slavonic and seriously surmised that *ѿ҃бо҃р҃наѧ* was the word used by Cyril and Methodius, the designers of the Old Slavonic alphabet and, perhaps, the authors of the first biblical and liturgical translations into that language (Khomiakov 1907b: 311). He stated that there is no geographical idea behind “catholic” (Khomiakov 1907b: 312), and philosophized that it rather implies a “unity in multitude” (*единство во множествѣ*) and “the Church of a free and complete unanimity”⁵²⁹ (Khomiakov 1907b: 312). This interpretation is, in my opinion, a derivative of the original Greek idea of καθολική. In line with his interpretation, Khomiakov saw the “guilt” of the Western Church in her historical attempt to break the universal Church unity by changing the Creed unilaterally by the *filioque* interpolation, without a prior consent of the East (Khomiakov 1907b: 313). In this context, an appropriate translation of *соборность* into English can be “conciliarity.”⁵³⁰

Figure 7: The “gathered” Church in loco. Moscow, 2013 (Fotoal’bom 2013).



529 «Церковь свободного единодушія, единодушія полного».

530 Cf.: “*Sobornost*’, then, means first ‘conciliar,’ but is also the word used to mean ‘catholic.’ [...] *Sobornost*’ as conciliarity does not indicate parliamentarianism; it is not council as voting body. [...] Rather, *sobornost*’ carries the sense of ‘harmony and unanimity’” (Ferencz 2006: 60–61).

6.1.4. “Catholic”

It should be pointed out that, contrary to the Khomiakovian interpretation, early Slavic texts usually transliterate the relevant Greek terminology (Gezen 1884: 90–95), as the first Slavic translators did not have all corresponding Slavonic terms at hand. In the Greek language, the noun “Church” stems from the verb ἐκκαλέω/ἐκκαλῶ (“to convene”), and it is thus not too far from the Slavic adjective. Nevertheless, in Greek, the epithet “catholic” comes down to Aristotle and his notion καθόλου (“on the whole,” “in general”), in contrast to τὸ κατὰ μέρος (“partially”) and καθ’ ἕκαστον (“singly”) (Zizioulas 1990: 90). Interestingly, Khomiakov emphasized the latter as a feature of the Protestant thinking (Khomiakov 1907b: 313). Aristotle provided the following comparison: “For one, ‘man’ pertains to the whole, whereas ‘Callias’ [first name] pertains to a part” (οἷον ἄνθρωπος μὲν τῶν καθόλου, Καλλίας δὲ τῶν καθ’ ἕκαστον) (Zizioulas 1990: 90). Like καθόλου, the notion καθολικός bears neither geographic (in this case, it would be defined as either παγκόσμιος or οἰκουμενικός) nor any quantitative implication. On the contrary, ancient Greek authors imply by it such qualities as “entirety” and “integrity” (Zizioulas 1990: 91). For example, St. Theophilus of Antioch († late 2nd century C.E.) applied καθολικὴ to resurrection: καθολικὴ ἀνάστασις πάντων ἀνθρώπων (Gezen 1884: 90), which translates as “all-embracing resurrection of all people.” St. Ignatius of Antioch († early 2nd century C.E.) is considered the first person known to introduce the actual locution “catholic Church” into theological parlance (Ignatii 2009: 143), in the Epistle to the Smyrnaeans (Ignatius 1993a: 210).⁵³¹ St. Ignatius draws a clear parallel between καθολικὴ ἐκκλησία and the assembly of believers headed by their bishop who liturgically symbolizes Jesus Christ. This assembly is the Church *par excellence* and, at the same time, the “whole Church” of Christ *in loco*.⁵³²

531 “Πάντες τῷ ἐπισκόπῳ ἀκολουθεῖτε, ὡς Ἰησοῦς Χριστὸς τῷ πατρὶ, καὶ τῷ πρεσβυτερίῳ ὡς τοῖς ἀποστόλοις· τοὺς δὲ διακόνους ἐντρέπεσθε ὡς θεοῦ ἐντολήν. Μηδεὶς χωρὶς τοῦ ἐπισκόπου τι πράσσειτω τῶν ἀνηκόντων εἰς τὴν ἐκκλησίαν [...] ὅπου ἂν φανῇ ὁ ἐπίσκοπος, ἐκεῖ τὸ πλῆθος ἔστω, ὥσπερ ὅπου ἂν ᾖ ἡ Ἰησοῦς Χριστός, ἐκεῖ ἡ καθολικὴ ἐκκλησία” [“All [people] shall follow the bishop as Jesus Christ [follows] the Father, and the presbytery as [you would follow] the apostles, and honor the deacons as God’s instruction. Apart from the bishop, no one shall do anything related to the Church. [...] Wherever the bishop appears [to be], the assembly shall [also] be there – just as wherever Jesus Christ is, the Catholic Church is there [too]”].

532 Cf.: “[i]n Sm 8.2 the local congregation and the catholic church are presented not only as in some ways unlike one another (local vs. universal) but also as in some ways like one another [...]” (Schoedel 1985: 244).

The outlined approach was shared by other outstanding Church Fathers of the time. For example, the epistles of St. Clemens of Rome († c. 100 C.E.) bear the following introduction: “The Church of God, abiding in Rome, to the Church of God, abiding in Corinth” (Ἡ ἐκκλησία τοῦ θεοῦ ἡ παροικοῦσα Ῥώμην τῇ ἐκκλησίᾳ τοῦ θεοῦ τῇ παροικοῦσῃ Κόρινθον) (Klemens 1993: 24; cf. Polykarp 1993 and Ignatius 1993b). “The Church in Rome” is presented by the author as “the whole Church” in this area, writing to “the same Church” in another area. This aspect was also strongly emphasized by a prominent Latin Church Father of the third century, St. Cyprian of Carthage, who defended his North African “catholic” understanding against the Roman geographical “universal” take.⁵³³ Referring to Apostle Peter, so specifically instrumentalized by Rome, St. Cyprian argued: “Surely, the other Apostles were what Peter was” (PL 4: 500; De Ecclesiae 2006: 180).⁵³⁴ Concerning the idea of “the whole Church” *in loco*, he particularly stated that “each individual [bishop] partakes for the whole [episcopal office]” (PL 4: 501; De Ecclesiae 2006: 184),⁵³⁵ when each single diocese, headed by a bishop, is understood as “the whole Church” *in loco*. A bishop is the head of his local assembly (diocese), and such a community is considered καθολικὴ ἐκκλησία. Therefore, the Church of Carthage is “the whole Church” in Carthage, and the Church of Rome is “the whole Church” in Rome. Thus, this initial ecclesiology was also shared by communities in Latin-speaking regions of the Roman Empire.

Ancient ecclesiology, implying only one legitimate bishop *in loco*, is partially at odds with the practice of the existing LOCs that tend to comply with this approach only in their nation states, where there are normally no parallel jurisdictions, such as in Serbia, in Georgia, in Russia, *et cetera*. Elsewhere, however, the LOCs may face ecclesiastical problems, discussed in the next section.

533 Cf.: “Cyprian’s view of ecclesiastical order had been of network of bishops in inter-communion, on the basis of agreed policies of doctrine and discipline. Each bishop was to exercise his authority within the sacred spatial confines of his own diocese, within which the Holy Spirit alone could operate” (Brent 2010: 290).

534 “Hoc erant utique et ceteri apostoli quod fuit Petrus.”

535 “Episcopatus unus est cujus a singulis in solidum pars tenetur.” Cf.: “La charge épiscopale est une et chaque évêque participe en plénitude au pouvoir et à l’honneur de tous les autres” (Cyprien 2006: 139) [“Episcopal power is one, and every bishop participates in full in the power and honor of all the others”].

6.2. Orthodox “Colonialism,” Church Power, and Oral Law

Apart from nation states with nation Churches, there are countries with no national Orthodox background such as the USA, France, or Germany. These have a variety of overlapping Orthodox communities under a few legitimate patriarchates. For example, in Paris there are six Orthodox diasporas (Papathomas 2007: 17).⁵³⁶ In line with the ancient principle “one bishop in town” (Rule 8 of the I Ecumenical Council), a modern Orthodox person outside his or her nation state should by default belong to the nearest Orthodox community. For instance, Russian-speaking parishes outside Russia should be part of the relevant LOC, be it in Japan or in Australia. Instead, most of the Russian-speaking parishes outside Russia belong to either the ROC or the ROCA, which is canonical nonsense in pre-modern terms (cf. Shishkov 2016: 214): according to them, a believer from Jerusalem residing in Rome would automatically become part of the Roman community.

Nonetheless, a contemporary Orthodox believer can choose between a few parishes on the same street depending on whether he or she, for some reason, likes Serbian, Russian, Greek, or any other style better. This modern practice poses a challenge to pre-modern canon law. For example, ancient ecclesiology would view the six Orthodox bishops in Paris as a catastrophe that has to be remedied immediately – and yet, nowadays they coexist and prosper, taking the situation for granted. Moreover, abroad there are parallel Russian parishes belonging to the ROC and the ROCA *in loco*: for instance, in Germany the ROCA is represented by *Deutsche Diözese der Russischen Orthodoxen Kirche im Ausland*, whereas the ROC has a parallel structure called *Berliner Diözese der Russischen Orthodoxen Kirche*.⁵³⁷ Such a situation allows the clergy or a parish to leave one Orthodox jurisdiction, in case of conflicts, and join another one, sometimes remaining on the same street and even retaining the same temple building.

Hence, we witness a situation when the inherited canons are universally violated by “trans-nationalization of Orthodox Christianity” (Roudometof 2014a: 783); moreover, this practice is seen as a modern norm. It is the control over Orthodox “colonies” (Kyrlezhev 2016: 85) as extensions of their nation Churches across the globe that comes to the fore, given that religion is one of key cultural

536 “[i]n Paris there are six coexistent orthodox bishops, with equivalent or synonymous – sometimes even homonymous – overlapping ecclesiastic jurisdictions (despite this being explicitly forbidden by the Ecclesiology of the 1st Ecumenical Council of Nicea (325) and the 4th Ecumenical Council of Chalcedon (451)), and all the [...] statutory facts of co-territoriality.”

537 On the situation in Germany, see Rimestad/Kadotschnikow 2014 and Thöle 2014.

codes for diasporas; and nation Churches are happy to sustain this Orthodox “colonialism” by stretching their canonic territory (cf. section 5.13). In particular, it is argued that the Moscow Patriarchate “is actively seeking to regain control over those Russian Orthodox communities abroad which developed a largely independent and Western character” (Stoeckl 2014b: 725), such as English-speaking parishes of the Surozh diocese in Great Britain (see section 7.4). It is a struggle for Church power; and where this struggle finds an appropriate foothold, it institutionalizes it in canon law. In this case, the canon law is not written but oral, which is accepted along with the written (and neglected) ancient norms: in theory, the ancient canons are honored, whereas in practice, sometimes, modern oral ones are in force.⁵³⁸

The flourishing institution of Orthodox vicars, or suffragans, is another aspect of the power problem of the modern Orthodox Church, compared with ancient ecclesiology. A vicar is a nominal bishop, yet a bishop without his own diocese. He does only what a real bishop commands him to do. As such, vicars are proxies for real bishops, and they can be compared to grooms without brides. Precisely in this sense, the famous biblical figure of speech equates Jesus Christ to the Groom, and the Church to the Bride, matching each other. Real bishops and their dioceses comply with this symbolism, whereas vicars do not. Hence, a bishop without his own diocese is a *contradictio in adjecto*. For example, the city of Moscow alone has ten vicar bishops (Vikariatstvo 2011a) under the ruling hierarch Kirill, who, besides being the Patriarch of the ROC, is the Bishop of Moscow.

The ancient Church knew the so-called chorbishops (χωρεπίσκοπος), who were independent rural bishops. They were too weak to resist stronger city hierarchs who demanded their subordination. Ecclesiastical awareness, nevertheless, remained acute, and attempts were made to eliminate this practice, as is seen from Canon 6 of the Synod of Sardica (343 C.E.) and Canon 57 of the Synod of Laodicea (380 C.E.) that prescribed replacing the nominal chorbishops by regular priests. It means that, although the ancient Church was not free from deviations, she certainly exhibited more canonic consistency in this respect.

The ROC in 1918 decreed to get rid of suffragans by turning them into real bishops wherever possible, thus disintegrating huge Russian dioceses (Vikarnyi 1918: 42). It must be admitted that Patriarch Kirill is fulfilling the commandment on disintegration, albeit at the same time ignoring the part on vicars. It is clear that bishops in huge areas do need assistants, yet the latter should be appointed

538 In this connection, the All-Orthodox Council of 2016 acknowledged the diaspora issue as a problem and proposed a makeshift solution (see Diaspora 2016).

from another proxy cadre. The ROC Statute of 1918 did not allow vicars to participate on a par with real bishops in Church Councils, demonstrating its understanding of the problem. Today, however, vicars are considered full members of Diocese Councils of the ROC (Izmeneniia 2013: 40).⁵³⁹ Vicars *ipso facto* should be especially loyal to the powerful leadership because they depend on real Church authorities, and it can be one of the reasons why the ROC leaders indulge in this practice. Albeit the Bishops' Council consists of both real and vicar bishops, the latter had no voting right until 2013,⁵⁴⁰ when the new redaction of the Statute deleted the sentence "without the right of vote"⁵⁴¹ and decreed that the Bishops' Council consists of both real and vicar bishops (Izmeneniia 2013: 43).⁵⁴² In this context, for instance, the situation in Moscow could be resolved in two ways. First, by turning the Moscow diocese (which is a *de facto* metropolitanate) into a *de jure* metropolitanate, making Patriarch Kirill Head of the Moscow Metropolitan District with a few subordinate bishops. This would imply a division of the city into a few dioceses under the Metropolitan of Moscow, turning the existing Moscow vicars into real bishops. In this constellation, Kirill can become, for example, Bishop of Old Moscow.

Given that Kirill has been actively arranging metropolitanates and metropolitan districts across the canonic territory of the Moscow Patriarchate, considering the vast territory of the former USSR, the suggested reform pertaining to the city of Moscow could follow suit. On the other hand, making a Metropolitan District out of Moscow would contradict the rule on one bishop in town. However, antiquity had no idea how huge modern cities would become. The Moscow bishop

539 «Епархиальное викариатство является каноническим подразделением епархии, объединяющим одно либо несколько благочиний епархии. Епархиальному архиерею принадлежит высшая власть по управлению викариатством. [...] В помощь епархиальному архиерею также могут назначаться викарные архиереи, не управляющие викариатствами. [...] Викарный архиерей по должности является членом епархиального совета и епархиального собрания епархии с правом решающего голоса» ["A diocese suffragancy is a canonic subdivision of the diocese, uniting one or more deaneries. The diocese bishop has supreme power over the suffragancy. [...] As assistance, the diocese bishop may take vicar hierarchs who do not manage the suffragancy. [...] A vicar bishop *ex officio* is a member of the Diocese Board and Assembly with the right of vote"]. Also, cf. Vikariatstvo 2011b.

540 If vicars did not manage Divine Academies, Synod departments, etc.

541 «Без права решающего голоса».

542 Cf.: «Викарные архиереи епархий митрополии участвуют в архиерейском совете с правом решающего голоса» (Izmeneniia 2013: 40) ["Diocese vicars of metropolitanates partake in the Bishops' Board with the right of vote"].

cannot visit all parishes in the city. To remedy such a problem, the institution of vicars was once introduced. Second, the situation in Moscow could be also resolved by replacing the vicars by parish priests, turning the vicars into real bishops in new dioceses outside Moscow, although these propositions to organize the Church life in line with ancient ecclesiology may seem too revolutionary for the modern ROC. The question of Church power is probably the strongest argument for her leaders to keep the established order, because control over the huge Moscow area is too attractive. Ignoring the written canons is therefore an option that comes to mind as a modern “application” of canon law.

6.3. A Modern Application of Canon Law

In June 2012, before the *Pussy Riot* performers were sentenced for their scandalous performance in the Temple of Christ the Savior in Moscow, the President of Russia, Vladimir Putin, had visited Jerusalem, where he prayed in public at the Western Wall with Hassidic Jews (Ponomariov 2013). According to ITAR-TASS, Putin “joined the rabbis’ prayer for Russia and its peoples” (Khram 2012).⁵⁴³ The Hassids, who accompanied the Russian president, quoted him as follows (Chabad 2012): “I came here to pray that the Temple be rebuilt.”⁵⁴⁴ Whatever was the precise content of the prayer, the fact is that it was performed together with orthodox Jews in a recognized place of Jewish worship and gathering, in explicit breach of Apostolic Canon 65 (see Pedalion 1886: 78).⁵⁴⁵ It was impossible to find official high-profile ROC comments on the incident, either pro or contra Putin’s excommunication, although some intellectual discussions were available (cf. Expertmus 2012).⁵⁴⁶ The latter author adduced a list of canonic prohibitions

543 «Присоединился к молитве раввинов за Россию и населяющие её народы».

544 “באתי לכאן, להתפלל שיבנה שוב בית המקדש”

545 “Ἐἴ τις κληρικὸς ἢ λαϊκὸς εἰσέλθοι εἰς συναγωγὴν Ἰουδαίων ἢ αἰρετικῶν προσεῦξασθαι, καὶ καθαιρεῖσθω καὶ ἀφοριζέσθω” [“If any clergyman or laymen shall enter into a synagogue of Jews or heretics to pray, let the former be deposed and the latter be excommunicated” (Schaff/Wace 1916: 598)]. Literally, συναγωγή means “a gathering.”

546 «Странно, что никто из представителей Московского и Иерусалимского Патриархатов, допустивших мирянина Путина целовать св. престол (!) [sic] в кувуклии Храма Гроба Господня [...], что уже явилось грубым нарушением церковных канонов, не указал ему на недопустимость отправляться вслед за этим к Стене плача и молиться там вместе с хасидами, надев их кипу, что категорически запрещено правилами Церкви!» [“It is strange that none of the representatives of the Moscow and Jerusalem Patriarchates, who let Putin, a layman,

on the subject, quoting *The Apostolic Canons*, canons of the Trullo and Laodicea Councils in Greek, Church Slavonic, and Russian along with recognized interpretations thereof. However, no bishop (who vowed to keep the canons intact) said anything (Expertmus 2012).⁵⁴⁷ Thus, the first person in the country publicly breached the binding canons, and the ROC leaders ignored this fact.

The ROC leaders are aware of the dilemma between the canons and their applicability in modern actualities. For instance, Patriarch Kirill reflected on the problem as follows:

There is a clear-cut space in which we do not change, and it is outlined by the Church canons and doctrinal statements. This is the space of the Sacred Tradition. Upon this basis stands the Church. However, when we ask a question how can this or that canon be better applied in modern actualities, in what way can we bring to the consciousness of a modern young person the doctrinal dogma – here, surely, we need a thoughtful and creative approach of the people living and not indifferent. Namely in this respect, the Church *changes* constantly. (Kirill 2015b)⁵⁴⁸

kiss the holy altar (!) [sic] in the cubiculum of the Church of the Holy Sepulcher [...], which is in itself a grave violation of the canons, indicated to him the impossibility of going after that to the Western Wall and praying with the Hassids, putting their yarmulke upon his head, which is categorically forbidden by the Church rules!"]

- 547 «Спрашивается, последует ли нынешнее священноначалие РПЦ МП всем этим требованиям церковных канонов, согласно которым Путин должен быть отлучён от Церкви за совместные празднования с иудеями, ношение кипы ("ермолки"), возжигание хануки [sic] в синагогах и т.д.? И почему в одном случае по делу "Pussy Riot" экспертиза следствия ссылается "15-е правило Лаодикийского собора" принятое в 4-м веке (!) [...] а в случае с Путиным – церковные правила для Русской Православной Церкви молчат?!" ["It should be asked if the incumbent ROC hierarchs will follow all these requirements of the Church canons, under which President Putin must be excommunicated for the joint celebrations with Judaists, for wearing a yarmulke, lighting up the Hanukah [sic] in synagogues, etc.? Why, on the one hand, the expert opinion on the *Pussy Riot* case refers to 'Rule 15 of the Laodicea Council' adopted in the fourth century (!) [...] whereas in the case of Putin, the Church rules are silent for the ROC?!"]]

- 548 «Есть совершенно чёткое пространство, в котором мы не изменяемся, и оно обозначено церковными канонами и вероучительными утверждениями. Это пространство Священного Предания. На этом основании стоит Церковь. Но когда мы задаёмся вопросом, а как лучше применить тот или иной канон в современных условиях, каким образом правильнее донести до сознания современного молодого человека вероучительный догмат – здесь, конечно же, требуется вдумчивый и творческий подход людей живых и неравнодушных. И в этом плане Церковь *меняется* постоянно». (Italics mine).

Practice demonstrates, however, that ignoring is a simple method to deal with the ancient heritage in modern actualities. It is hardly a “thoughtful,” though definitely a “creative,” approach. Furthermore, “creativity,” such as the device analyzed below, is especially cherished by the ROC leaders.

Besides circumstantially ignoring actions of the powers that be, the incumbent ROC leadership invented a way of circumventing the ancient canons that are highly wary of relations with heretics. The word “heresy” stems from the Greek verb αἰρέω/αἰρῶ that has a variety of meanings, such as “to take, seize, choose, convince, prefer.” According to Theodosios Pelegrines, the term αἵρεσις was used in Greek culture in two meanings. First, ancient Greek scribes used it to denote a “free choice,” “free will,” or “free thought.” Second, it was used to denote a deviation from one beginning (ἀρχή) or category of thinking (Pelegrines 2009: 27). The Book of Acts, for example, uses it as “doctrine” or “group of people following a certain doctrine.” Its usage is technical and not (yet) hostile to either the Pharisees or the Christians in the mouth of their ideological rivals (cf. Acts 15: 5; Acts 24: 5; Acts 28: 22). The word αἰρετικός originally means “a choice-maker,” this meaning shifting later to “a person not accepting some established concept or value” (Pelegrines 2009: 27).⁵⁴⁹ In the New Testament, its connotation is that of a “man causing divisions.”⁵⁵⁰ In *The Apostolic Canons* (Canon 45), the word “heretic” is already a stable term for the non-Orthodox (Pedalion 1886: 53).⁵⁵¹

In this connection, in order to avoid the enforcement of canon law, the leadership of the ROC recently resorted to linguistic tricks, demonstrating that linguistics plays an important role in their policymaking. In particular, concerning the Roman Catholics, who were traditionally considered “heretics,” the ROC represented by Metropolitan Ilarion has altered her approach in a “creative” fashion: she does not apply the term “heresy” to them anymore (Ilarion 2010), without a prior public discussion of the situation whatsoever. This device of preterition formally allows the ROC leadership to avoid responsibility under the ancient canons for their sporadic liturgical activities with the Roman Catholic clergy. Avoiding responsibility under the ancient canons has become a topical issue for

549 “Αἰρετικός, με αὐτήν, τὴ δεύτερη, σημασία, εἶναι ὁ ἄνθρωπος ποὺ δὲν υἱοθετεῖ τὶς παραδεδομένες ἀντιλήψεις καὶ ἀξίες.”

550 Cf. Tit 3: 10. This is another discipline rule issued by Paul.

551 “Ἐπίσκοπος, ἢ Πρεσβύτερος, ἢ Διάκονος αἰρετικοῖς συνευξάμενος μόνον, ἀφοριζέσθω, εἰ δὲ ἐπέτρεψεν αὐτοῖς, ὡς Κληρικοῖς ἐνεργῆσαι τι, καθαιρεῖσθω” [“Let a bishop, presbyter, or deacon, who has only prayed with heretics, be excommunicated: but if he has permitted them to perform any clerical office, let him be deposed” (Schaff/Wace 1916: 597)].

Orthodoxy in the modern world, given that the canons are mandatory and are not subject to change. In order to dodge the canons, on the one hand, the ROC leaders ignore them in certain situations; on the other hand, they resort to “creative” tools such as wordplay, turning undesirable situations upside down.

6.4. Orthodox Tradition and Modernity

When analyzing the concepts of the ROC based on her interpretation of the Bible, a critical reading of the original texts is necessary.⁵⁵² I take a few cases of interest bearing on the canonic provisions. These include “Christian attitude” to state power; the question of marriage and divorce; global ecology; the issue of freedom; “Orthodox” patriotism; and early Russian modernity.

6.4.1. History and the Canon Myth: Decrypting the “Christian Attitude” to State Power

The *Concept* of the ROC, being a foundation of many follow-up canonic documents, is in turn based on the biblical narrative as opposed to “real history.” The question whether this narrative is fully or partially in line with the modern academic approach is not raised. Specifically, this attitude is reflected in the *Concept*’s idea on the origin of state power as a deviation from the divine plan (Concept 2008: III.1).⁵⁵³ The *Concept* deduces this plan from the biblical history of Hebrews. Modern archeology occasionally contests the plausibility of the Old Testament narrative. On the other hand, some events described in the Bible are confirmed from another angle, such as, for example, the evidence of the Old Aramaic text of the Tel Dan Stele (e.g., Athas 2003: 255–315).

552 Dealing with the biblical characters, such as Apostle Paul, I do not engage in discussions whether they really existed or, if so, whether they are the authors of the epistles ascribed to them.

553 «Таким образом, возникновение земного государства должно быть понимаемо не как изначально богоустановленная реальность, но как предоставление Богом людям возможности устроить свою общественную жизнь исходя из их свободного волеизъявления, с тем, чтобы таковое устройство, являющееся ответом на *искажённую грехом* земную реальность, помогало избежать ещё большего греха через противодействие ему средствами мирской власти» [“Thus, the emergence of the temporal state should not be understood as a reality originally established by God. It was rather God’s granting human being an opportunity to order their social life by their own free will, so that this order as a response to the earthly reality *distorted by sin*, could help avoid a greater sin through opposing it by means of temporal power” (Bases 2000: III.1)]. (Italics mine).

None of these aspects have found a place in the *Concept*. The latter does not question whether an extrapolation of Middle Eastern local history from the Bible onto other groups and systems is valid, because the answer is evident: the Old Testament narrative serves *a priori* as a point of reference for the ROC. Interestingly, however, it coexists with modern academic approaches such as the linguistic data concerning the “holy language,” according to some of which, Hebrew in the first century C.E. was a dead vernacular, and Aramaic was the spoken language (cf. Concept 2008: II.1).⁵⁵⁴ Concerning the powers that be, the *Concept* voices a traditional interpretation of the words of Apostle Paul:

Explaining the teaching of Christ on the *right* attitude to state power, St. Paul wrote: ‘Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God. [...]’ (Rom 13: 1–7). [...] The apostles taught Christians to *obey* the authorities *regardless* of their attitude to the Church. In the apostolic era, the Church of Christ was persecuted both by the Jewish and Roman State authorities. This did not prevent the martyrs and other Christians of that time from praying for persecutors and recognizing their power. (Bases 2000: III.1)⁵⁵⁵

According to the *Concept*, “the Church not only prescribes for her children to obey state power regardless of the convictions and faith of its bearers, but also prays for it” (Bases 2000: III.2).⁵⁵⁶ The *Concept* also argues that Jesus Christ himself obeyed the Roman authorities in his earthly life (Concept 2008: III.1).⁵⁵⁷ It is

554 This is contested by contemporary Hebraists who argue that Hebrew was spoken in Palestine of the day (cf. Fassberg 2012 and Ponomarev 2015b). Nevertheless, the former opinion is still shared by many.

555 «Раскрывая учение Христово о *правильном* отношении к государственной власти, апостол Павел писал: “Всякая душа да будет покорна высшим властям; ибо нет власти не от Бога, существующие же власти от Бога установлены [...]”. [...] Апостолы учили христиан *повиноваться* властям *независимо* от их отношения к Церкви. В апостольский век Церковь Христова была гонима и местной иудейской властью, и государственной римской. Это не мешало мученикам и другим христианам тех времён молиться за гонителей и признавать их власть» (Concept 2008: III.1). (Italics mine).

556 «Церковь не только предписывает своим чадам повиноваться государственной власти, независимо от убеждений и вероисповедания её носителей, но и молиться за неё» (Concept 2008: III.2). The English version in Bases 2000 differs from the Russian original: the Church prescribes to obey, and [she] prays (English); the Church prescribes to obey and *to* pray (Russian). The difference is based on the Russian letter *ь* that was overlooked by the editors of the English translation.

557 «Сын Божий, владычествующий землёй и Небом (Мф 28: 18), через воочеловечение подчинил Себя земному порядку вещей; повиновался Он и носителям

noteworthy in this regard that some other contradictory, and yet instructive, biblical events, directly connected with the fate of Jesus Christ, are not mentioned in the document, e.g., the flight of the Holy Family from King Herod to Egypt, described in the Gospel according to Matthew. In this case, Joseph, the legal earthly father of Jesus, receives an instruction to flee from Palestine until better times, as Herod was going to rampage the Bethlehem vicinity killing all infants under the age of two (Mt 2: 13–16). After that, Joseph did not want to return to Palestine out of fear before the local authorities (Mt 2: 22). Besides, Apostle Peter was arrested for an outright violation of the Sanhedrin's orders (Acts 5: 26–42). In addition, Apostle Paul showed pragmatism and flexibility in dealing with Roman officials (cf. Acts 16: 35–38 and Acts 22: 25–29). Hence, it is clear that Jesus and his disciples saw no problem in disobeying the earthly authorities when need be.

These arguments contradict and contest the ROC's prescription on the subject. It should be noted, however, that the *Concept's* interpretation is not shared by all Orthodox thinkers, some of whom express opinions that power can be “not from God.”⁵⁵⁸ Since these examples stand in opposition to the *Concept's* idea of Christian attitude to authorities, a critical approach to Romans 13: 1–7,⁵⁵⁹

государственной власти. Распинателю Своему Пилату, римскому прокуратору в Иерусалиме, Господь сказал: “Ты не имел бы надо Мною никакой власти, если бы не было дано тебе свыше” (Ин 19: 11). В ответ на искусительный вопрос фарисея о позволительности давать подать кесарю Спаситель сказал: “Отдавайте кесарево кесарю, а Божие Богу” (Мф 22: 21)» [“The Son of God Who reigns over heaven and earth (Mt 28: 18) through becoming man subjected Himself to the worldly order of things, obeying also the bearers of state power. To His crucifier, Pilate, the Roman procurator in Jerusalem, He said, ‘Thou couldst have no power at all against me, except it were given thee from above’ (Jn 19: 11). The Savior gave this answer to the tempting question of a Pharisee about whether it is permissible to pay tribute to Caesar: ‘Render unto Caesar the things which are Caesar’s’ (Mt 22: 21)” (Bases 2000: III.1)].

558 «Апостол предполагает, что начальство и власти занимаются только добрыми делами и поощрением делающих такие дела. Эта мысль имеет самое существенное и решающее значение в Рим 13: 1–7. [...] Немыслимо, чтобы власть от Бога не похваляла добра и не была страшна для злых дел. Если она не такова, значит, *не от Бога*» (Jeremiia 2006) [“The Apostle presumes that the higher-ups and authorities do only good deeds and encourage those doing such deeds. This thought has the most essential and overriding importance in Rom 13: 1–7. [...] It is unthinkable that power from God does not approve of good and is not fearful to evil deeds. If it is not like that, it is *not from God*”]. (Italics mine).

559 “Πᾶσα ψυχὴ ἐξουσίαις ὑπερεχούσαις ὑποτασσέσθω. οὐ γὰρ ἔστιν ἐξουσία εἰ μὴ ὑπὸ θεοῦ, αἱ δὲ οὖσαι ὑπὸ θεοῦ τεταγμέναι εἰσίν. ὥστε ὁ ἀντιτασσόμενος τῇ ἐξουσίᾳ τῇ

561 נמלך הן למהותו קצתה של המלה והן למעשה קצתה של המלה וכן
 “...אם

version offers two evident solutions: the expression *нѣсть бо влѣсть* can be construed both as “it is no [legal] power [if it is not from God],” and “there is no power [except from God].”⁵⁶² The former variant admits that there may exist regimes that explicitly and/or intentionally violate the “divine order of things.” In this case, such power can be considered “not true.”

It is noteworthy that the *Concept* corresponds with this interpretation in terms of its “civil disobedience” reservation (see section 5.6.2). The paragraph agrees with the former interpretation in the spirit and disagrees with it in the letter, since the text used by the *Concept* is in line with the latter understanding (= *нет власти не от Бога*), creating a paradoxical situation. On the one hand, the Orthodox are officially called to believe that the existing authorities are “from God,” and thus put up with the difficulties connected with or caused by state power. On the other hand, the ROC leaders deem it applicable to disobey earthly authorities when need be.

Some ancient commentators, such as Pelagius, a contemporary of Augustine and Jerome, admitted that the reference to “higher authorities” implied ecclesiastical authorities (cf. Pelagius 1993: 136). This conclusion was most likely based on the words λειτουργοὶ θεοῦ in Rom 13: 6 (cf. Kassian 2001: 300). However, this would eliminate the need of any church-state discussion due to the evident reason. After making the initial statement οὐ γὰρ ἔστιν ἐξουσία εἰ μὴ ὑπὸ θεοῦ, Paul refers to the state of affairs in his days, αἱ δὲ οὐσαι ὑπὸ θεοῦ τεταγμέναι εἰσίν.⁵⁶³ By saying αἱ δὲ οὐσαι, he does not mean that all the regimes in all the eras are “from God.” His second “practical” part of the statement, stressing the actualities of his days, aims at counterbalancing the first “theoretical” premise regarding the nature of state power: power can turn “illegal” or “unrighteous”; yet, namely the Roman Empire in the days of Paul was pronounced “righteous” and “legal.” Paul is not looking here into the future; he speaks of his day, since there was “no future” in virtue of the expected Second Coming of Christ. Hence, I approach Paul and his philosophy of power through the following frame: according to the New Testament text, Paul was awaiting the Second Coming of Christ so intensely that he believed that his generation would not die before it.⁵⁶⁴ In addition, elsewhere he stressed:

562 «Вѣ́ща дѡшѡ влѡстѣмъ прѡдѡрѡчѡмъмъ да по́внѡдетѣа: нѣ́сть бо влѡстѣ ѡ́не не ѡ́ бѣа, ѡ́шѡмъ же влѡстѣ ѡ́ бѣа о́у́чѡнѣны ѡ́штѣ».

563 “[a]nd those existing are established from God.”

564 “Ἴδου μυστήριον ὑμῖν λέγω· πάντες οὐ κοιμηθήσόμεθα, πάντες δὲ ἀλλαγώμεθα, ἐν ἀτόμῳ, ἐν ῥιπῇ ὀφθαλμοῦ, ἐν τῇ ἐσχάτῃ σάλπιγγι· σαλπῖσει γὰρ καὶ οἱ νεκροὶ ἐγερθήσονται ἄφθαρτοι καὶ ἡμεῖς ἀλλαγώμεθα” (1 Cor 15: 51–52) [“Behold, I

We who are still alive, who are left till the coming of the Lord, will certainly not precede those who have fallen asleep. For the Lord himself will come down from heaven, with a loud command, with the voice of the archangel and with the trumpet call of God, and the dead in Christ will rise first. After that, we who are still alive and are left will be caught up together with them in the clouds to meet the Lord in the air. And so we will be with the Lord forever. (NIV)⁵⁶⁵

This argument explains Paul's famous take on marriage, when he advises those already widowed or yet unmarried not to get married (1 Cor 7: 8), because there remained little time for a due preparation for the Second Coming (cf. 1 Cor 7: 29). In that context, family issues would only burden the Christians and distract them from the imminent change of the whole world order. The same argument is applicable to the questions of state power. The *Concept*, on the contrary, takes his statement as universal. Paul did not hope for a continuation of this world, expecting a quick end within the lifetime of his generation (Fenske 2003: 85–86). Logically, the social agenda of the day, the problems of slavery and freedom (cf. 1 Cor 7: 20–24), marriage and state power were no longer relevant.

Apostle Peter also pointed at the looming end of the world and stressed a short-term suffering on the eve thereof (1 Peter 1: 3–7). In this connection, Peter calls upon faithful Christians to obey the sitting authorities (1 Peter 2: 13). What is more stunning is that he also calls upon slaves to obey their masters, even if they are crooked (1 Peter 2: 18). Hence, there is no “social concept” in the epistles of the quoted authors because “the end of all was nigh” (1 Peter 4: 7), and the struggle for earthly freedom was therefore irrelevant. Instead, the Apostles instruct their followers to obey the incumbent Roman authorities and slave masters, while focusing on the impending coming of the Lord. This situation is quite natural for the context, but it is at odds with reality two thousand years thereafter, given that the Second Coming has not taken place.⁵⁶⁶

tell you a mystery: We shall not all sleep, but we shall all be changed – in a moment, in the twinkling of an eye, at the last trumpet. For the trumpet will sound, and the dead will be raised incorruptible, and we shall be changed” (NKJ)].

565 “Ἡμεῖς οἱ ζῶντες οἱ περιλειπόμενοι εἰς τὴν παρουσίαν τοῦ κυρίου οὐ μὴ φθάσωμεν τοὺς κοιμηθέντας ὅτι αὐτὸς ὁ κύριος ἐν κελεύσματι, ἐν φωνῇ ἀρχαγγέλου καὶ ἐν σάλπιγγι θεοῦ, καταβήσεται ἀπ’ οὐρανοῦ καὶ οἱ νεκροὶ ἐν Χριστῷ ἀναστήσονται πρῶτον, ἔπειτα ἡμεῖς οἱ ζῶντες οἱ περιλειπόμενοι ἅμα σὺν αὐτοῖς ἀρπαγησόμεθα ἐν νεφέλαις εἰς ἀπάντησιν τοῦ κυρίου εἰς ἀέρα· καὶ οὕτως πάντοτε σὺν κυρίῳ ἔσόμεθα” (1 Thes 4: 15–17).

566 Cf. in this respect the witnesses of their times, of Apostle Paul and of Metropolitan Ilarion of the ROC. Paul in Phil 1: 23 wrote of “having an eager desire to die and be with Christ” (“τὴν ἐπιθυμίαν ἔχων εἰς τὸ ἀναλῶσαι καὶ σὺν Χριστῷ εἶναι”). Ilarion,

It is no wonder, therefore, that St. John Chrysostom († c. 407 C.E.), living a few centuries later, had to resort to abstract speculations when trying to interpret Paul's philosophy on power (cf. PG 60: 615). Chrysostom argues that Paul reckons on the institution of power in general, and that state power is necessary for keeping the world in order. The same, in Chrysostom's opinion, pertains to the institution of marriage: even though spouses sometimes quarrel, the very idea of marriage is from God. Along with that, St. John makes a remark as to why Paul wrote and circulated namely that redaction of attitude to state power. In his opinion, the pivotal Christian text represented a certain compromise (PG 60: 616).⁵⁶⁷ Similar assumptions can be found in the Book of Acts (cf. Acts 24: 5), whence St. John must have borrowed them. The allegations against Paul were more than serious and portrayed in the negative light the empire-wide (κατὰ τὴν οἰκουμένην) political repercussions of his activities.⁵⁶⁸ As a result, Paul had sensed that he had to protect both himself and the new community, wherefore he composed the Epistle as a personal protection and a public warning.

In particular, he emphasized οἱ δὲ ἀνθεσθηκότες ἑαυτοῖς κρίμα λήμψονται,⁵⁶⁹ whose subtle choice of legal terminology speaks volumes: he writes that the early Christian communities should be careful in dealing with the existing Roman authorities, otherwise they could face serious problems under Roman law, which, in return, would impinge on the imminent eschatological context of the end of the world. The Roman system of power was declared good and established by

on the contrary, wishes mundane "prosperity" to the Church («позвольте [...] пожелать всей нашей Церкви процветания» (Kirill/Illarion 2016)).

567 "Οὕτω γὰρ καὶ τοὺς ἄρχοντας τοὺς ἀπίστους ἐπεσπάσατο μᾶλλον πρὸς εὐσέβειαν, καὶ τοὺς πιστοὺς πρὸς ὑπακοήν. Καὶ γὰρ πολὺς περιεφέρετο λόγος τότε, ἐπὶ στάσει καὶ καινοτομίᾳ διαβάλλων τοὺς ἀποστόλους, καὶ ὡς ἐπὶ ἀνατροπῇ τῶν κοινῶν νόμων ἅπαντα καὶ ποιοῦντας καὶ λέγοντας. Ὅταν οὖν δείξης τὸν κοινὸν ἡμῶν Δεσπότην τοῦτο παρεγγυῶντα τοῖς αὐτοῦ πᾶσι, καὶ τῶν διαβαλλόντων ὡς νεωτεροποιῶν ἀπορρήψεις τὰ στόματα, καὶ μετὰ πλείονος τῆς παρρησίας ὑπὲρ τῶν τῆς ἀληθείας διαλέξει δογμάτων" ["Thus, he urged both the non-believing rulers towards more reverence and the believers towards obedience. For there were numerous rumors passed around, blaming the Apostles of sedition and innovations, as well as of overthrowing all public laws by word and deed. However, when you prove that our common Lord commands this to His all, you bar the mouths of those who blame of new developments, and with a greater daring speak up about the doctrines of truth"].

568 In particular, the expression "to contrive innovations" (*rerum novarum molitores*, see Suet. Dom. 10), implied a *coup d'état* (Bolotov 1910: 16).

569 "Those resisting [the incumbent Roman authorities] will receive themselves a legal verdict/sentence/ lawsuit."

God, and its public servants were portrayed as servants of God in order to avoid possible impediments on the eve of the alleged Second Coming of Christ. The rest of the text can be viewed as a smokescreen.

Modern researchers provide findings that fit in the suggested interpretation of Rom 13 (Schrage 1971: 50; Fenske 2003: 251).⁵⁷⁰ For instance, it is argued that verses 1 through 7 in the related chapter are “rather surprising” and “unique in Paul”; “it has appeared to many, in fact, that 13: 1–7 is something of ‘an independent block’ of material that breaks the continuity of the context” (Longenecker 2011: 121). Based on these observations, it is viewed as a gloss or interpolation (Longenecker 2011: 121), which in turn stresses the unusual character of the paragraph. Verses 6 and 7 on paying taxes and revenues to the sitting authorities have led others to assume that this particular context reflects the public unrest in Rome in 58 C.E. connected with significant abuse of power by the city tax collectors that had to be disciplined by Nero (Longenecker 2011: 122).⁵⁷¹ In this connection, the context betrays Paul’s “surprisingly intimate knowledge” of the circumstance and is “best understood as Paul’s counsel to Roman Christians as to how they should respond in their particular situation” (Longenecker 2011: 122). My approach to Paul in Rom 13 is supported by the tax solution above: according to Tacitus († 120), the tolls and taxes were not abolished by Nero who ordered that the tax collectors’ practice should be better regulated (Longenecker 2011: 122). It means that formal relations with the Roman state continued unscathed, and the Christian community had to abide by the law.

Therefore, the theological accounts that Paul’s “approach is not about the lack of interest or clever tactics, but about the Christian principle, namely *a positive attitude towards the secular, God-ordained authority*” (Langenberg 2003: 331),⁵⁷² can be considered arbitrary. The critical approach demonstrates Paul’s flexibility and pragmatism in dealing with ancient politics. It also shows that the legendary passage on the nature of state power, taken for granted by the Moscow Patriarchate as essentialist, was in fact a forced, reactive, and tactical device serving the given moment (58 C.E.) and area (Rome) on the back of the intense awaiting of the Second Coming of Christ. Besides, it is noteworthy that Apostle Peter explicitly speaks about Paul’s epistles as containing some things “hard to understand”

570 Cf. Schrage: „Ein Text, der lange Zeit im Sinn einer unkritisch-servilen Untertangensinnung und als biblische Begründung für eine Staatsmethaphysik mißbraucht worden ist.“

571 Longenecker here refers to Friedrich/Pöhlmann/Stuhlmacher 1976.

572 „Einstellung ist nicht etwa Interesselosigkeit oder kluge Taktik, sondern christlicher Grundsatz, nämlich *positive Einstellung zur weltlichen, von Gott verordneten Obrigkeit*.“

(δυσνόητά τινα) and that people who are “unlearned” and “unstable,” misinterpret them to their own “destruction” (2 Peter 3: 16). If Peter himself had a hard time understanding Paul’s writings as his contemporary, it is no surprise the latter can appear “hard to understand” after he became canonized and mythologized.

6.4.2. “God Hates Divorce” (Mal 2: 16): a Future Norm of Canon Law?

Biblical texts and their interpretations are extremely important for practical reasons, because canon law relies upon the Bible as a source. In this regard, the new official Bible translation into Russian, which is being prepared by the ROC, is noteworthy. This time, I want to consider the social problem of divorce among Orthodox believers.

In the New Testament, Jesus Christ limits the possibility of divorce only to cases of fornication (Mt 19). Modern canon law of the ROC, however, deviates from the pre-modern *akribeia* of Jesus in favor of economy, carving out quite a list of other preconditions, such as:

[a] spouse’s falling away from Orthodoxy, perversion, impotence which had set in before marriage or was self-inflicted, contraction of leper or syphilis, prolonged disappearance, conviction with disfranchisement, encroachment on the life or health of the spouse, love affair with a daughter in law, profiting from marriage, profiting by the spouse’s indecencies, incurable mental disease and malevolent abandonment of the spouse. (Bases 2000: X.3)⁵⁷³

Furthermore, the grounds for divorce within the ROC were amended by AIDS, medically confirmed chronic alcoholism or drug addiction, and abortion without husband’s consent (Concept 2008: X.3).⁵⁷⁴ In addition, Metropolitan Ilarion lobbies an official translation of the Bible (“God hates divorce” (Mal 2: 16)),

573 «[o]тпадение супруга или супруги от Православия, противоестественные пороки, неспособность к брачному сожитию, наступившую до брака или явившуюся следствием намеренного самокалечения, заболевание проказой или сифилисом, длительное безвестное отсутствие, осуждение к наказанию, соединённому с лишением всех прав состояния, посягательство на жизнь или здоровье супруги либо детей, снохачество, сводничество, извлечение выгод из непотребств супруга, неизлечимую тяжкую душевную болезнь и злонамеренное оставление одного супруга другим» (Concept 2008: X.3).

574 «В настоящее время этот перечень оснований к расторжению брака дополняется такими причинами, как заболевание СПИДом, медицински засвидетельствованные хронический алкоголизм или наркомания, совершение женой аборта при несогласии мужа».

which can influence ROC canon law in the near future. Metropolitan Ilarion, person number two in the Moscow Patriarchate, pointed to a few “grave mistranslations” that must be altered in the future official Russian Orthodox version of the Bible. In his opinion, the existing Russian text encourages divorce, whereas this possibility should be ruled out (under the principle of *akribeia*):

Some paragraphs can mislead the reader. For instance, in the Synod translation of Malachi 2: 16 we read: ‘[i]f you hate her [i.e., the wife you took in your youth], let go, says the Lord God of Israel.’ However, both the Hebrew and Greek texts here speak about the contrary – that God *hates* divorce. Correction of such inaccuracies has not only an academic bearing, but it is also important for *practical* aspects of pastoral activities. (Ilarion 2013)⁵⁷⁵

Ilarion intends to correct the existing divorce preconditions, nearing the position of the “traditionalists” condemned by the ROC in 1998 (see section 5.4). In this regard, I analyze the said paragraph from Malachi in the light of translanguaging criticism of the applicable ancient versions.

First, the pre-modern idea of marriage is another world in itself, and stretching this idea onto the modern concept of marriage is a highly questionable method. Who was Prophet Malachi? When and where did he live? Who actually wrote the Book of Malachi? What did the family institution look like at that time and in that environment? Was there a difference between a wife and a concubine, *et cetera*? How many wives and concubines were in order at the time and in that community? Ilarion does not raise these crucial questions, but metonymizes the modern idea of marriage onto the biblical context.

Second, the linguistic aspect of the issue is rather against the Metropolitan: to begin with, the standard Masoretic Hebrew text (MT) and vowelization represent *große Schwierigkeiten* (Lescow 1993: 100), to put it mildly; to put it outright, it is “completely unintelligible” (see Hugenberg 2014: 52; cf. Minor Prophets 2010: 151*).⁵⁷⁶ As a result, there are many mutually excluding interpretations of the verse, including the one proposed by Ilarion (see Gibson 2016: 120; Hugenberg

575 «Некоторые места могут ввести читателя в заблуждение. Например, в Синодальном переводе пророка Малахии 2: 16 мы читаем “...если ты ненавидишь её (т.е. жену юности своей), отпусти, говорит Господь Бог Израилев”. Однако и еврейский, и греческий текст здесь говорят об обратном – о том, что Бог *ненавидит* развод. Исправление таких неточностей имеет не только академическое значение, оно важно для *практических* аспектов пастырской деятельности». (Italics mine).

576 Cf.: “Mal. 2: 15 is one of the most difficult passages in the whole Old Testament” (Van der Woude 1986: 69).

2014: 51).⁵⁷⁷ Below, I want to demonstrate some particulars of why an interpretation of this text is so problematic.

The divorce option is both supported and denied by the Septuagint, confusing the reader with its versions: “However, if having come to hate, you send away/ send away! [...] then ungodliness will cover your thoughts/his garments.”⁵⁷⁸ The available Septuagint readings include subjunctive (ἐξαποστείλης) and imperative (ἐξαπόστειλον) mood, proposing two different contexts, one of which allows divorce.

The Vulgate puts it as *cum odio habueris dimitte [...] operiet autem iniquitas vestimentum eius*. That is, “when you will have come to hate, [then] let go [...] and iniquity shall cover his garment.” The confusion of “you” and “his” points in the direction of a few textual variants put together. It demonstrates, however, that the Hebrew text used by Hieronymus († c. 420 C.E.) probably differed from the Masoretic text available today (cf. McNamara 2011: 219).

In addition, the Hebrew text of Malachi found among the Dead Sea Scrolls (4QXII^a) and dated 150–125 B.C.E. (DJD 15/1997: 221),⁵⁷⁹ contains the following reading (DSS 4QXII^a; DJD 15/1997: 224): כִּי אַם שְׁנֵתָה שְׁלֹחַ, with a typical for the time omission of the radical ש in the verb שְׁלַח.⁵⁸⁰ The past tense here and the imperative vowelization שְׁלַח (“send away!”) fit in naturally (cf. Hugenberg 2014: 57–58). The first part of the Qumran text and LXX are in consonance, whereas the second part of the 4QXII^a document is damaged.

Less applicable to our case study due to its later dating, Targum Jonathan suggests a more comprehensive context: “For if you hate her, release her, says YHWH God of Israel, and you shall not cover sin with your garment” (cf. Hugenberg 2014: 53; Lier 2015: 66).⁵⁸¹ The Old Testament Peshitta, being a source dated before 150 C.E. (Joosten 2013: 58), omitting the “hate” part “due to a possible inconsistency with Deut 24: 1–4 or because it has a known tendency to omit where

577 Cf.: “For he hates ‘sending,’ says Yahweh, the God of Israel, ‘and he covers his garments with violence,’” (Hugenberg 2014: 51); „Wenn er hasst, dann soll er weg-schicken, hat Jahwe, der Gott Israels, gesagt, aber er wird Gewalttat auf sein Gewand decken“ (Tilly 2015: 261); “For he who neglects (his Jewish wife) puts forth his hand (in hostility)” (Van der Woude 1986: 71).

578 “Ἀλλὰ ἐὰν μισήσας ἐξαποστείλης/ἐξαπόστειλον [...] καὶ καλύψει ἀσέβεια ἐπὶ τὰ ἐνθυμήματά σου/ἐνδύματά αὐτοῦ.”

579 To compare, the standard MT of the Leningrad Codex is dated 1008/1009 C.E.

580 “For if you have come to hate [her], send away!”

581 “ארי אם סנית לה פטרה אמר יי אלהא דישראל ולא תכס חטאה בלבושך.”

it is unsure of meaning” (Gibson 2016: 120), stating only that a man should not desert the wife of his youth, has a similar negation in the second part.⁵⁸²

It has to be kept in mind, however, that here we are dealing with a prophetic text, inclined to poetic and metaphoric language. In this case, on the one hand, the verb “to cover” can also mean “to cover sin,” that is, to forgive or conceal (cf. Proverbs 10: 12). On the other hand, it inspired the interpretation that “marriage” in the context should be understood figuratively, as the union between Yahweh and Israel (e.g., Van der Woude 1986), which is, however, hardly convincing.

Hence, one Septuagint reading, the Vulgate, Targum Jonathan, and 4QXII^a acknowledge the divorce option (cf. Müller/Schorn 2011: 2480), which is in line with the Old Testament doctrine (cf. Deut 24: 1–4). Besides, modern scholarship has a tendency to recognize Malachi’s compliance with Deut 24. Namely, it is argued that Mal 2: 16 does not question the divorce issue *per se*, but rather condemns unjustified divorce, that is, divorce merely out of aversion (“hate”) to one’s otherwise innocent wife (see Hugenberg 2014: 83; Gibson 2016: 155).⁵⁸³ Besides, this conclusion seems to be supported by the other Septuagint reading.

Therefore, the unequivocal approach of Metropolitan Ilarion that “God hates divorce,” and the implication that the latter should be ruled out, does not stand the translanguing criticism, not to mention the overall methodological approach to divorce in the Old Testament. The Christian ideal of marriage, expressed by Jesus Christ (cf. Mt 5 and Mt 19), remains ideal, whereas actualities of the immanent life sometimes dictate contrary options. Ilarion’s position on divorce raises the question whether the Metropolitan is a religious fundamentalist or if he rather aims to improve the demographic situation at the expense of believers. It is also curious that this initiative was presented to the public in November 2013, a few months after the official announcement of divorce of Vladimir Putin and his spouse, Liudmila (June 2013), leaving one wonder if there was a cause-and-effect connection between the two events.

582 “וְאִם אִישׁ יִשְׁאַר אֶת אִשְׁתּוֹ מִיָּוֶתָהּ [...] וְלֹא יִכְסֶה עֲוֹנוֹ בְּבָגְדוֹ” [“And a man shall not desert the wife of his youth [...] and shall not cover iniquity with his garment”].

583 “A close comparison of the passages, however, reveals that Mal. 2.16 neither contradicts nor supersedes the Mosaic law on divorce; rather, it alludes to it: Malachi’s exhortation against divorce for aversion finds its rhetorical force in connection with Deut. 24.1–4” (Gibson 2016: 155).

6.4.3. The ROC's Ecology Doctrine as a Metonymy

Another point of interest is the ROC's approach to ecology (see section 5.19), also based on and derived from biblical verses. In this regard, the analysis of the applicable biblical context shows that the ROC's doctrine utilizes metonymy and derives a general meaning from the particular commandment of cultivating the soil in the Garden of Eden (Gen 2: 15).

The Masoretic Hebrew text translates it as "And Yahweh God took the Man and placed him in the Garden of Eden, to cultivate her [sic] and guard her [sic]."⁵⁸⁴ "Her" here means "soil" (הָאָדָמָה), which is feminine in Hebrew. The ancient Greek and Latin translations, for instance, render "soil" as γῆ and *humus*, respectively, being both feminine, which is in line with the Hebrew MT. Nevertheless, they translate the phrase in question as "cultivate and guard *him*," implying the Garden of Eden, παράδεισος and *paradisus*, respectively. They are identical in this regard, and the Latin reading *ut operaretur et custodiret illum* even appears to attempt to render the Greek phrase ἐργάξασθαι αὐτὸν καὶ φυλάσσειν, although does it in a somewhat inferior way. As a result, the imperfect conjunctive passive locution *ut operaretur*, used as a deponent to render the relevant Greek media-passive form, when put together with the active one *custodiret illum* ("[and so that] he [the Man] would guard him [the Garden]"), looks overstretched ("so that he [the Garden] would be cultivated"). Unlike the Septuagint that uses the media-passive Greek verb appropriately, the Vulgate's Latin calque impersonalizes the cultivation function, while personalizing the function of keeping the Garden. The upshot is that the Greek-Latin texts imply the whole complex of the Paradise, whereas the Masoretic Hebrew text singles out the soil.⁵⁸⁵ These textual traditions both reflect and shape the understanding of and attitude to ecology: the MT is very particular and leaves the Garden complex in oblivion; the Greek-Latin approach goes the other way around.

In this connection, the Russian translation used in the document on ecology, discussed in section 5.19, is commensurate with the complex approach, deviating

584 . "ויקח יהוה אלהים את־הָאָדָמָה ובִגְנֶ-עֵדֶן לַעֲבָדָהּ וּלְשִׁמְרָהּ"

585 Scholars express different opinions on the issue. For example, Umberto Cassuto (1978: 122) is surprised to see the *her* ending in the MT. Franz Delitzsch (1999: 90) attempts to explain the crux uncritically, writing that the word "garden" *sonst Masc. [ulinum], ist hier als ideeles Femin. [inum] behandelt*. Victor Hamilton (1990: 171) and Benno Jacob (2000: 91) tend to see here a hint at the *soil*, given that "garden" is nowhere treated as feminine.

from the Masoretic text.⁵⁸⁶ Basing a whole doctrine on a few verses of the Bible taken for granted is a traditional Orthodox feature. It can be argued, however, that the underlying MT spelling לעבדה (“to cultivate [her/him]”) can be vowelized in favor of the complex and “masculine” (“him”) interpretation, if taken as an early Hebrew form, that is, spelt without *matres lectionis*: the full form in this case should be לעבדהו (the only difference being the letter ו *wow*). Words, spelt deficiently, come across in the Masoretic text not occasionally (Tov 2001: 222), and this could be the reasoning of the respective “masculine” readings in the Vulgate and LXX, although the Masoretic vowelization remains a legitimate variant. Whatever the outcome, the adopted complex approach to the biblical verse in question allows the ROC in her canon law to metonymize the pre-modern “paradise” archetype of taking care of the Garden of Eden onto modern civilization *in toto*.

6.4.4. Thoughts on Freedom, “Image,” and “Likeness”

Besides nature *per se*, ROC canon law contains a doctrine on human nature, freedom, and dignity (see section 5.10). In this connection, I attempt to deconstruct some of the ROC’s premises based on translangual Bible criticism. Then, I express a few thoughts concerning both Russian Orthodox canon law on the subject and the HRD.

The ROC underlines that she tackles the notion of human dignity based on the narrative in the Book of Genesis.⁵⁸⁷ The quoted paragraph explicitly argues that dignity is an attribute of human nature (cf. Hovorun 2016: 46), connected with the notion of “image of God,” and that dignity was not lost after the catastrophe known as original sin. In other words, human dignity in the canon discourse is impersonal, and every human being, evil or kind (cf. Dostoinstvo 2008: I.4), possesses dignity *ipso facto*. On the other hand, in paragraph I.2, the ROC speaks about dignity and human individual. In this case, dignity depends on the notion of “likeness.” An individual is, however, personal. Moreover, the document states that dignity has to do, first and foremost, with morality (cf. also Dostoinstvo 2008: I.5).

586 «Чтобы возделывать его и хранить его».

587 «Согласно библейскому откровению, природа человека не только *создана* Богом, но и наделена Им свойствами по Его образу и подобию (см. Быт 1: 26). Только на этом основании можно утверждать, что человеческая природа обладает неотъемлемым *достоинством*» (Dostoinstvo 2008: I.1) [“According to the Biblical revelation, God not only *created* human nature but also endowed it with qualities in His image and after His likeness (cf. Gen 1: 26). It is the only ground which makes it possible to assert that human nature has an inherent *dignity*” (Dignity 2008: I.1)]. (Italics mine).

This discrepancy in the fundamental premises of the ROC canon discourse raises a question where does the Church actually stand?

The confusion continues in paragraph I.3, where the ROC claims that human nature has inherent moral norms.⁵⁸⁸ Given that morality is an idea of what is good and bad (Dostoinstvo 2008: III.1), it follows that human nature has this idea. Hence, according to the document, human nature possesses rational qualities and thus can be confused with the notion of personal. The ROC further backs her doctrine on nature, person, and dignity by the biblical myth of creation, namely Gen 1: 26, as well as 1: 27, 2: 18 and 2: 24 (cf. Concept 2008: X.1). On that background, the ROC teaches that “the Creator has laid down in human nature the need for communication and unity” (Dostoinstvo 2008: III.4).⁵⁸⁹ That is to say, the idea of human collectivity is deemed a natural, unavoidable attribute. Furthermore, the ROC metonymizes the biblical case and insists that love for one’s family must be stretched over to one’s homeland and nation state (Dostoinstvo 2008: III.4).⁵⁹⁰ It may be a latent critique of the Western liberal concept of individualism and atomization of modern society, as well as an attempt to lay an ontological foundation of collectivism and collective *modus vivendi*, in particular that of the ROC as an entity. It should be taken into serious consideration that Orthodox ecclesiology and soteriology predefine the preference for collectivism due to the apostolic metaphor of the Body of Christ, the “Body” being the key. The process of “salvation” is therefore understood as a collective act. Although every person lives an individual life, he or she can be “saved” only within the Church “plethora” or collectivity of the Body of Christ.

Nevertheless, despite the outlined inconsistencies, the ROC maintains a firm commitment to the idea of human dignity *per se* in the afterlife perspective. It means that the Church evaluates any phenomenon trying to forecast its “contribution” to her soteriology. This basis is rather simple, but it successfully donates to the understanding of the Church activities in the public space. Through it, she evaluates the liberal Western HRD and finds its approach quite limited in some ways. The central point here is the concept of original sin, known as the biblical myth of eating from the tree in the paradise. This myth can be translated into secular language as a certain negative mutation of human nature, until then uncorrupted. Because of this mutation, man gets old and eventually dies, and

588 «Присущие человеческой природе нравственные нормы».

589 «Творец вложил в человеческую природу необходимость общения и единения людей».

590 «Любовь к своей семье и другим близким людям не может не распространяться на народ и страну, в которой человек живёт».

the Church presupposes a way out of this impasse through a mystical interaction with God. For that sake, humans must live according to the recognized Christian morals, that is, to certain guidelines leading to the understanding of the imperfection of one's human nature. Therefore, the principle red line set by the ROC is this: human rights cannot stand higher than spiritual values (Dostoinstvo 2008: III.2),⁵⁹¹ if they contradict Christian morality. This does not mean, however, that the idea of human rights is unacceptable in general. The recent canon provisions confirm that many of them are borrowed by Russian Orthodox canon law, either entirely or partially, if they can contribute to Orthodox soteriology.

However, the respective Hebrew verses provide interesting information on "image" and "likeness" of God, as well as on the genesis of human nature, person, and gender that directly bear on the ROC's doctrine of dignity. First, some terminological nuances must be taken into account. The Scripture, describing the genesis of the world, makes a distinction between the primary verb בָּרָא "to create [*ex nihilo*]" and the secondary verb עָשָׂה "to make [from what is available]."⁵⁹² Respectively, "image" and "likeness" must be differentiated, too. The ROC connects dignity and human nature, pointing to Gen 1: 26.⁵⁹³ Here, preceding the act of creation of man, God voices "Their" intention of "making" man, using the secondary verb עָשָׂה and pronouns "We" and "Our,"⁵⁹⁴ which can either point to the concept of a complex unity (e.g., the Trinity), which would be rather preferred by Christianity,⁵⁹⁵ or imply the so-called *pluralis excellentiae* or *pluralis maiestatis*, intensifying the idea of divinity (Gesenius 1910: 393–397). In fact, I see no hindrance for a peaceful coexistence of both concepts in scholarship. As we can therefore see, it is the making (not creation) of man that implies in the text both

591 «Права человека не могут быть выше ценностей духовного мира».

592 Cf.: "The root *bara'* has the basic meaning 'to create.' It differs from *yasar* 'to fashion' [as well as *'asah*] in that the latter primarily emphasizes the shaping of an object while *bara'* emphasizes the initiation of the object. [...] The word is used in the Qal only of God's activity and is thus a purely theological term. [...] Since the word never occurs with the object of the material, and since the primary emphasis of the word is on the newness of the created object, the word lends itself well to the concept of creation *ex nihilo*, although that concept is not necessarily inherent within the meaning of the word" (Wordbook 1980: 127). Cf. Pentateuch 1999: 7.

593 "ויאמר אלהים נעשה אדם בצלמנו כדמותנו" ["And God said: 'Let Us [sic] make man in Our image and after Our likeness'"].

594 The interpretation of this locution is rather problematic, cf.: „Wie dieses ‚Wir‘ aufzufassen sei, ist eine Streitfrage“ (Jacob 2000: 57).

595 Cf.: "The best suggestion approaches the trinitarian understanding [...]" (Hamilton 1990: 134).

“image” and “likeness.” The process of creation of humankind is described in the follow-up verse (Gen 1: 27).⁵⁹⁶ Here, the notion of “likeness” is omitted in the process of creating the Man. Instead, it emphasizes twice the “image” of God,⁵⁹⁷ which is explained as a complex unity of male and female aspects, if we want to exclude a possible anthropological interpretation of the ancients.

Then, the Scripture returns to the verb “to make” in the instance whence the ROC derives the human need for communication (Gen 2: 18).⁵⁹⁸ The Hebrew text speaks about “being [gerund of the verb ‘to be’]” (היות) of the Man (האדם), who was at the time neither male nor female: the context suggests that the Man somehow contained both male and female natures, and became man and woman only after the process of personalization, described in Gen 2: 22.⁵⁹⁹ Here, the character is still called “the Man”, albeit the gender reality has changed. It is noteworthy that the verb used in the narrative is the verb “to build”: the woman as a person was “built,” not “created.” Respectively, the “building” of the woman out of the Man denoted the “building” of the man as a person, too. We remember that, in Gen 1: 26, the Scripture utilized the synonymic verb “to make,” and connected it to the idea of “likeness.” The exclusive connection of “likeness” to the verb “to make” is also stressed later, in Gen 5: 1–2, which is a summary of the creation narrative.⁶⁰⁰

Hence, the biblical myth can be reinterpreted in the following terms. Man came to be in a twofold way: he was first created *ex nihilo* in the “image” of God, and further made after God’s “likeness.”⁶⁰¹ Translated into secular language, the

596 “ויברא אלהים את־האדם בצלמו בצלם אלהים ברא אתו זכר ונקבה ברא אתם” [“And God created the Man in His image, [that is] He created him in the image of God, [that is] He created them male and female”].

597 Cf.: “The prevailing opinion is that *likeness* is less important than *image* [...]” (Hamilton 1990: 135).

598 “ויאמר יהוה אלהים לא־טוב היות האדם לבדו אעשה־לו עוז כנגדו” [“And Yahweh God said: ‘Being alone of the Man is no good. I shall create her [sic] for him, a helper as opposite to him’”].

599 “ויבן יהוה אלהים את־הצלע אשר־לקח מן־האדם לאשה ויבאה אל־האדם” [“And Yahweh God built [sic] the rib He had taken from the Man into a woman, and brought her to the Man”].

600 “אלהים אדם בדמות אלהים עשה אתו זכר ונקבה בראם ויברך אתם ויקרא את־שם אדם ביום הבראם” [“This is a book of human genealogy. On the day of God’s creating [sic] man, He made him in the likeness of God. He created them male and female, and blessed them, and called their name ‘man’ on the day they were created”].

601 In Hebrew, “in Our image [בצלמנו], after Our likeness [כדמותנו].” The different prepositions here, for example, made Delitzsch argue that *bei* ב *denkt man sich die Urform gleichsam als Gußform, bei* כ *als vorgehaltenes Muster* (Delitzsch 1999: 65).

“image” of God in humankind implies a complex, yet impersonal, unity of male and female natures, whereas the “likeness” of God rather means their separation, individualization (genderization), rationalization (personalization), and eventual complementary interaction. As can be seen, the ROC in the relevant document confuses natural and personal attributes and, as a result, generates misleading premises as to where to look for human dignity: in natural or in personal features. Besides, among the moral values ascribed to human nature, the ROC lists the “voice of conscience,” without asking a question whether conscience is a natural or social phenomenon inherent only to certain cultures.

6.4.5. “Orthodox Patriotism” and Nation Church

Concerning the state, the *Concept* teaches:

The apostles taught Christians to *obey* the authorities *regardless* of their attitude to the Church. In the apostolic era, the Church of Christ was persecuted both by the Jewish and Roman State authorities. This did not prevent the martyrs and other Christians of that time from praying for prosecutors and recognizing their power. (Bases 2000: III.1)⁶⁰²

The question whether the refusal of the first Christians to bring sacrifices before statues of Roman emperors counts as a contradiction, is not raised. Indeed, whether the Christians still obeyed Roman state power at that point, is a rhetorical question. The issue of state power is further connected with the issue of Orthodox patriotism, of love to one’s earthly homeland. In this regard, the *Concept* contains an idea of “active” patriotism (Concept 2008: II.3).⁶⁰³ According to the ROC, Orthodox Christians must demonstrate an active social involvement as a

602 «Апостолы учили христиан *повиноваться* властям *независимо* от их отношения к Церкви. В апостольский век Церковь Христова была гонима и местной иудейской властью, и государственной римской. Это не мешало мученикам и другим христианам тех времён молиться за гонителей и признавать их власть» (Concept 2008: III.1). (*Italics mine*).

603 «Патриотизм православного христианина должен быть действенным. Он проявляется в защите отечества от неприятеля, труде на благо отчизны, заботе об устройении народной жизни, в том числе путём участия в делах государственного управления. Христианин призван сохранять и развивать национальную культуру, народное самосознание» [“The patriotism of the Orthodox Christian should be active. It is manifested when he defends his fatherland against an enemy, works for the good of the motherland, cares for the good order of people’s life through, among other things, participation in the affairs of government. The Christian is called to preserve and develop national culture and people’s self-awareness” (Bases 2000: II.3)].

certain divine commandment, whereby the notion of an earthly homeland comes to the fore and even overshadows the transcendent notion of Heaven. This feature shows that the Moscow Patriarchate is rather a modern conservative social “think tank” than a theologian. The notion of “national” (e.g., national culture) also gains special importance, which stands close to the notion of “statehood.”

However, are Orthodox Christians specifically called to develop their “national culture” and support their “national identity”? Both “culture” and “identity” are social values in the modern world, but are they really a commandment in the Scripture (explicitly or implicitly) or, rather, are they not a feature of the era of modern nation states? A commandment-based approach can help shed light upon the problem. The thing is that the biblical Ten Commandments usually lose some of their meaning in translations from Hebrew. Moreover, they are normally accepted as ancient forensic writs. In fact, if the positive commandments (such as “do”) could count as imperatives, the negative commandments (such as “do not”) should be understood as preconditions expressed in terms of the future simple tense and objective negation לא (as opposed to the subjective wish אל),⁶⁰⁴ whose “fulfillment” testifies that the “covenant” will have taken place. In other words, the Ten Commandments exhibit a certain element of transcendence under the immanent language. This, for example, is seen in Exodus 20: 3⁶⁰⁵ or in Exodus 20: 13 “Thou shalt not kill [at will]” (לא תרצח), which rather implies internal freedom as a precondition of the future covenant with God, a certain righteous state of mind in divine presence, and hardly a simple prohibition to kill in terms of keeping social peace.

Applying this interpretation, the patriotism commandment of the ROC could be rephrased in the following terms: other people will know that you are Christians only when you (among other things) contribute to the immanent development of your country (social infrastructure) and provide help (“deeds of love”) to your compatriots. Interestingly, it found its transcendent counterpart in the movement of the so-called *уранополитизм*, headed by a late ROC priest, Daniil Sysoev, murdered in Moscow in 2009. Father Daniil was strictly against the “nationalistic” agenda of the ROC leadership, promoted, as he believed, at the expense of the Gospel (Sysoev 2009b).⁶⁰⁶ Interpreting the Bible in a direct way, he tried to rediscover the “initial” Christian message, arranging regular theological

604 Cf., for instance, אֱלֹהֵי תִירָא (“Fear not!”) in Gen 15: 1.

605 “לֹא יִהְיֶה לְךָ אֱלֹהִים אֲחֵרִים עֲלֵי פָנַי” [“There shall be no other gods for you before my face”].

606 «Почему мы не слышим проповедей от имени Бога? Почему мы проповедуем не прямо слово Божие, а патриотизм или национализм не заповеданный Спасителем?» [“Why do we not hear preachings on behalf of God? Why do we preach

debates with proponents of the “traditional religions” of the Russian Federation, above all with Islam. The modern ROC’s position regarding Islam implies no mission whatsoever, whereas some individual cases of conversion do not make up a system. Father Daniil believed that Orthodox Christianity, understood by him as ancient Christian Orthodoxy, is the “only true” faith, and that other religions should be openly contested for their “delusion.” He believed that Russian Orthodoxy had, on the contrary, acquired a sizable admixture of non-Christian elements; and, therefore, he stressed the “uranopolitical” aspects of Christianity, as he understood them (Sysoev 2009a).⁶⁰⁷

Translated as “heavenly citizenship,” his doctrine must be admitted to stand closer to ancient Christian attitude to the external world, despite the fact that the official position of the ROC argues that Orthodoxy continues the apostolic kerygma.⁶⁰⁸ Indeed, it is hard to imagine the Apostles in the first century C.E. preaching the *Pax Romana* and elevating Greek-Latin culture instead of the resurrected Messiah. We saw in section 6.4.1 that the early Church stayed tuned to the end of the world. Preservation and development of national culture and identity for them was not a Christian calling because of the imminent Second Coming of Christ. Besides, Christianity is supranational, although it accepts these factors as a reality.

not directly the word of God but rather patriotism and nationalism that were not commanded by the Savior?”].

607 «На мой взгляд в мировоззрение многих современных православных вкралось столько псевдохристианской мифологии, что, если мы скажем “просто христианство”, нас обвинят в протестантизме, а слово “православие” в сознании огромного количества людей обозначает нечто совершенно неопределённое, абстрактное. [...] Уранополитизм – это Христова программа жизни в этом мире. Она включает в себя в том числе и вполне конкретные взаимоотношения с любыми формами государственной власти» [“In my opinion, into the outlook of many contemporary Orthodox people encroached so much pseudo-Christian mythology that if we say ‘simply Christianity’ we will be blamed of Protestantism, and the word ‘Orthodoxy’ in the minds of a huge number of people means something absolutely obscure, abstract. [...] Uranopolitism is Christ’s program of life in this world. It includes also quite concrete relations with any form of state power”].

608 «Православная Церковь именуется Апостольской не только потому, что члены Церкви “утверждены на основании Апостолов” (Ефес 2: 20), но и особенно потому, что через неё проповедь апостолов Иисуса Христа продолжается до сего дня» (Missiia 2014: 368) [“The Orthodox Church is called Apostolic not only because members of the Church ‘are affirmed on the foundation of the Apostles’ (Eph 2: 20); it is especially so because through her, the preaching of the Apostles of Jesus Christ has been continuing until this day”].

In this regard, the ROC leadership shows its fascination with nation and nation state as ideas of modernity. This fascination can be observed in a more protruding fashion in some other post-Soviet countries of the ROC's canonic territory, namely in Ukraine. For example, in June 2015, the Holy Synod of the UOC issued an address "to the Ukrainian nation" on the anniversary of St. Duke Vladimir's demise, who, as is generally considered, baptized Kievan Rus' around 988 C.E. The address clearly builds on the notions of "nation," "national identity," and "national culture" tackling them as highly valuable assets of the modern Orthodox doctrine (Zvernennia 2015).⁶⁰⁹ Here, belonging to the nation is portrayed as something superior, as something that exceeds all other social bonds, as something that has to be singled out and emphasized within the given discourse. The Ukrainian nation is also portrayed as something essentialist, as a reality that has existed one thousand years since Duke Vladimir (Zvernennia 2015).⁶¹⁰ The Church and nation are thus presented as two assets that have survived the centuries and have proven their temporal durability.

In addition, it is emphasized that the Ukrainian nation survived only because of the Orthodox Church. The Church, hence, turns out to be an invaluable asset of modernity. These are features of the current public discourse in the country,⁶¹¹

609 «Православна Церква завжди була важливим фактором єдності українського народу. І навіть коли наш народ внаслідок війн та політичних негараздів був поділений державними кордонами, коли наші предки змушені були жити у складі різних держав, саме приналежність до Єдиної Православної Церкви допомагала їм зберегти власну *ідентичність*, не розчинитися в інших народах, не втратити власної *культури*» ["The Orthodox Church has always been an important factor of *unity of the Ukrainian nation*. Even when our nation, due to wars and political calamities, was separated by state borders, when our ancestors had to live as parts of different states, it was the membership in One Orthodox Church that used to help them preserve their own *identity* and not dissolve among other nations, and not lose their own *culture*"]. (Italics mine).

610 «Від часів святого князя Володимира і до *нині* наша Церква завжди поділяла зі своїм народом його радість і страждання» ["From the times of St. Duke Vladimir, and *until today*, our Church has always shared with our nation its joys and suffering"]. (Italics mine).

611 Cf.: «Україна, де суспільство залишається релігійним навіть у найвищих проявах громадянської свідомості, як це було на Майдані, продемонструвала, що Церква може бути не гальмом, а каталізатором процесу формування *громадянського суспільства*» ["Ukraine, where society remains religious even in the highest manifestations of civil consciousness, as was the case during the Maidan [civil unrest of 2013/2014 in Kiev], has demonstrated that the Church can be not a brake but a catalyst for the process of formation of *civil society*" (Hovorun 2017b: 29)]. (Italics mine).

without which the Church risks dropping out. At the same time, the rhetoric of the Church in Ukraine today is almost identical with that of the ROC in the revolutionary 1917–1918 (see section 4.1). Therefore, according to the rules of the dominant discourse, the UOC must appeal to the ideas of nation state, Ukrainian nation, and national independence:

We resolutely emphasize that the Ukrainian Orthodox Church stands for state *independence and territorial integrity* of Ukraine. Our Church unites all of Ukraine. She is *the Church of the Ukrainian nation*. Her believers reside in the West and in the East, in the South and in the North of Ukraine. She comprises people of various ethnic groups and political convictions. However, we all are one in Christ. And precisely so, one in diversity, must be our *Homeland*, Ukraine. (Zvernennia 2015)⁶¹²

It must be underlined that the UOC Synod uses nation-related rhetoric in the specific circumstances of the time when there are many public voices in the country claiming that the UOC “is working against Ukraine,” because she is formally a structural part of the larger Moscow Patriarchate. Nevertheless, the fascination with the subject matter is impressive.

The UOC rhetoric significantly deviates from the early Christian discourse, and is a specific feature of the modern “Orthodox commonwealth.” The Moscow Patriarchate, as a center based in the Russian Federation, contains less nation-related emotions, since it is present in many countries outside Russia and has to consider other national discourses. In Ukraine, the situation is much simpler, developing within the “one state, one nation” discourse. The Roman Catholic Church, for instance, represents in this regard a universal model, not linked to any particular nation, the Vatican being a special sacred place and an independent theocratic quasi-state.

Moscow has been doing poorly in Ukraine over the years. By “poorly,” I mean the inability of the Moscow Church center to lobby favorable developments in Ukraine in the post-Soviet period. This inability somewhat parallels the Kremlin’s policy in Ukraine, especially before 2014. The Moscow Patriarchate makes an impression that it does not know how exactly Ukraine should be approached. The Ukrainian dioceses represent a sizable share of the ROC: as of 2012, they amounted to 39%, or 11 952 entities, of the Moscow Patriarchate (Zvit 2011), compared to

612 «Рішуче наголошуємо, що Українська Православна Церква виступає за державну незалежність і територіальну цілісність України. Наша Церква об’єднує усю Україну. Вона є Церквою українського народу. Її вірні живуть на Заході та Сході, на Півдні та на Півночі України. До її складу входять люди різних національностей та різних політичних переконань. Але усі ми єдині у Христі. Саме такою єдиною у різноманітті має бути і наша *Батьківщина* – Україна». (Italics mine).

the ROC's total of 30 675 entities as of early 2011 (Kirill 2013a: 16). By 2015, the overall number of the ROC's parishes totaled 35 496, the UOC comprising 34%, or 12 190 acting parishes, as of January 1, 2015 (Zvit 2015), with the clergy consisting of 38 344 persons, which is 4139 persons more than in 2013 (Kirill 2015a: 20).⁶¹³

The data on the UOC, however, is tricky. Thomas Bremer (2016: 16) pointed out that the UOC "lost" about 500 parishes in 2014. This is a very big number, especially for one calendar year. Indeed, according to the official statistics, the UOC "lost" 483 parishes during this period (cf. Zvit 2014 and Zvit 2015). Bremer was surprised by this number, making a reservation that "it is important to bear in mind that it is difficult to obtain accurate data from the regions in conflict," and suggested waiting for the next few years for a confirmation (Bremer 2016: 16). Nevertheless, the answer is available. The thing is that the statistics of Ukraine does not include three UOC dioceses in the Crimea (the Simferopol diocese, the Dzhankoi diocese, and the Feodosiia diocese) as part of the UOC and, hence, as part of Ukraine. This is evident from a breakdown by diocese in Ukraine (Zvit 2016b, Zvit 2017). The three mentioned dioceses used to be one Simferopol diocese until 2008, accounting exactly for the "lost" 483 parishes (Simferopol'skaia 2017). In so doing, the Ukrainian statistics diminishes the footprint of the UOC in favor of the competing (and non-canonical) "Orthodox" churches in the country. That said, the share of the UOC in the ROC is at present around 35%,⁶¹⁴ compared to 58% back in 1988 (see section 4.4).

6.4.6. Early Russian Modernity

Russia experienced the advent of modernity before the radical reforms of Petr I (Kim 2012: 82),⁶¹⁵ whose reign is usually seen as the beginning of modernity in the country.⁶¹⁶ In section 4, I discussed some Petr's initiatives regarding the Church in Russia following the *Raskol* of the 17th century, when a sizable part of

613 As of February 2016, the ROC had 34 764 acting parishes and 293 dioceses (Kirill 2016: 19).

614 As of January 2016, the UOC had 12 167 acting parishes; as of January 2017, the UOC had 12 079 acting parishes (both not considering the Crimea, as per Zvit 2016b and Zvit 2017).

615 Kim refers to Western authors who argue that *Россия встала на путь преобразований, по крайней мере, за столетие до Петра* ["Russia hit the road of [modern] reforms at least one hundred years before Petr"].

616 For instance, cf. the popular view that "we are faced with two alternative accounts of Russian modernity: one underscores its origins in Peter's reforms; the other, its maturation in the early nineteenth century [...]" (Golburt 2014: 8).

Russian Orthodox believers revolted against the Church reforms of Petr's predecessors, interpreted as an attack on the established cultural codes. Here, I want to touch on some aspects of the sacrament of confession, presented both in the pre-*Raskol* tradition and in the reformed (modern) texts, which bewray a substantial change in church-state relations at that time. In other words, the confession prayer can be seen as a source for the study of church-state relations in Russia from early modernity until present.

Orthodox priests pronounce the prayer for every confessing person, each time before taking Communion. The confession procedure takes place usually before or at the end of the liturgy. A comparison of the modern prayer text with the pre-modern one reveals some features that have come into Orthodox communal life since the reform. The text of the prayer shapes both canonic discipline in the ROC and the outlook of Orthodox believers.

Требники 1647, 1651 гг.

А́а́ лице́ ча́до хо́щеша́ изъбы́ти
со́дѣ́анныхъ тво́ею злы́хъ и про́щѣ́нїа
прїа́ти вѣ́хъ тво́ихъ грѣ́ховъ, что́ не
о́усты́дѣ́а́ лица́ моего́, ни о́у́сѣ́дѣ́мъ, но
бѣ́а́ ми́ исповѣ́ждь и не о́у́тай́ ничто́же
бѣ́а́ бо́ г(о́спо)дѣ́ б(о́)гъ вѣ́сть... азъ
же́ ти́ ча́до бѣ́а́ послѣ́хъ и поро́чникъ
тво́ею сп(а́)се́нїю. И́ пла́ки гла́голю́тъ
с(бл)а́гоу́мники́ тво́и: се́ ча́до прѣ́дсто́я́тъ
а́нгели б(о́)жїи́ не́види́мо за́глажа́юще
грѣ́хы тво́и, ꙗ́же и исповѣ́си... Но́ что́
сѣ́тъ грѣ́хы тво́и ча́до, не о́у́рама́й́а
мене́ исповѣ́ждь безъ стѣ́дѣ́нїа, азъ бо́
ча́ковъ же́ челове́къ и грѣ́шнїе́ па́че
вѣ́хъ челове́къ. (Sazonova 2007: 115)⁶¹⁷

Требник 1658 г.

Се́ ча́до, хр(и́ст)о́въ не́види́мъ сто́и́тъ,
прїе́мла́ исповѣ́данїе́ тво́е, не о́у́рама́й́а,
ни́же о́убо́и́а, и да́ не скры́еши́ что́ ѿ́
мене́: но́ не о́у́бѣ́дѣ́а́ рцы́ бѣ́а́, с(бл)а́гоу́м
со́дѣ́лаа́ сѣ́, да́ прїи́мѣши́ о́у́ста́венїе́
ѿ́ г(о́спо)да́ на́шегѡ́ и́н(сѣ́)ла́ хр(и́)ста́. Се́
и́ко́уна́ сѣ́въ прѣ́д на́ми: азъ же́ то́чїю
свѣ́дѣ́тель сѣ́мъ, да́ свѣ́дѣ́тельствѡ́ю́ прѣ́д
ни́мъ бѣ́а́, с(бл)а́гоу́м рече́ши́ ми́нѣ́: а́ще ли́ что́
скры́еши́ ѿ́ мене́, сѣ́тъ грѣ́хъ и́маши́.
Вне́мши́ о́убо́, поне́же бо́ прїи́мѣа́ сѣ́ бо́
бра́тїе́ннѡ́, да́ не не́исцѣ́ленъ ѡ́идеши́.
(Sazonova 2007: 115)⁶¹⁸

617 "And if thou, child, wantest to rid thyself of thine evil deeds and accept forgiveness of all thy sins, then be not ashamed of mine visage and doubt not, but confess all to me and conceal nothing, for the Lord God knoweth all [...]. And I shall be for thee, child, a witness and warrantor of thy salvation. And once more speaketh the priest quietly: Behold, God's angels stand invisible, effacing thy sins, which thou shalt confess [...]. Child, whatsoever thy sins be, be not ashamed of me and confess without fear, for I am a man like unto thee and more sinful than all men."

618 "Behold, child, Christ standeth invisible, accepting thy confession. Be not ashamed nor fear thee, and thou shalt conceal naught from me, but shalt speak outright all that which thou hast committed, that thou may receive absolution from our Lord Jesus

As we can see from both texts, the changes introduced under Patriarch Nikon in the 17th century are striking. It may seem paradoxical, but the pre-modern text sounds more humane than the modern redaction (“I am a human just like you, and am more sinful than all people”), whereas the modern prayer is rigid and even at times ruthless (“if you conceal anything from me, your sin will be doubled”). Although the old text also mentions a hypothetic concealment (“conceal nothing”), this is balanced by pointing to divine omniscience (“for God the Lord knows all”). The old text mentions God’s angels, surrounding the confessor (“God’s angels are standing by invisibly, effacing your sins”), whereas the reformed version portrays Christ himself (“Christ is standing invisible, accepting your confession”), creating a proximity to the Judge. In the modern text, the ROC comes out as a psychological oppressor of her believers, since they are approached in a harsh way. Moreover, a certain power ambition is felt in the quoted text, reflecting the growing power focus of the Church and, perhaps, state control behind (“and you shall not conceal anything from me”). As such, it reflects the church-state inconsonance in the middle of the 17th century in Russia, which ended in the abolition of the Moscow Patriarchate under Petr I, and the state-sponsored repressions against the Old Believers, viewed as “enemies of the nation.” An atavism such as “I am just a witness” clearly shows the difference between the two eras. To date, this text seamlessly sounds in Russian Orthodox temples, shaping and supporting an “autocratic” image of the Russian Church and creating a specific outlook of the Orthodox who take the severity of the prayer for granted.

Another feature is the absolution prayer, which ends the confession procedure. It should not be confused with Orthodox practice in general, since it varies in different LOCs. For instance, the applicable Greek prayer reads:

The God who forgave David, who had confessed his sins through Nathan the prophet; and [who forgave] Peter’s denying of Him, when he lamented bitterly; and [who forgave] the adulteress, weeping at His feet [after being] taken in fornication; and [who forgave] the innkeeper and the prodigal son – may this same God forgive thee through me, a sinner, everything in this time and in the time to come, and may [He] let you withstand His

Christ. Behold, His image is e'en before us. And I am but a witness, to testify before Him all that which thou speakest to me. And if it come to pass that thou concealest aught from me, then shalt thou bear twofold sin. So harken, for thou art come to the infirmity and shalt not depart hence unhealed.”

fearful Tribunal uncondemned. Care no more for the transgressions thou hast confessed and depart in peace. (Euchologion 1891: 222–223)⁶¹⁹

The ROC's text and practice are different. Since the times of the famous Kiev Metropolitan Petr Mogila († 1647) who substantially influenced the liturgical practice of the Moscow Patriarchate, the Church Slavonic text of the absolution prayer suggests important innovations:

May our God and Lord, Jesus Christ, by the grace and bounties of his philanthropy forgive thee, child so-and-so, all thy transgressions. And I, an unworthy priest, by his power bestowed upon me, do forgive thee and grant thee absolution from all thy sins, in the name of the Father, the Son, and the Holy Ghost, Amen. (Trebnik 1646a: τῆς)⁶²⁰

What is eye-catching in this text, compared to the Greek one above, is that the agent of the absolution is not God, (although his authority is mentioned), but a priest. Some contemporary Orthodox scholars see here a Roman Catholic influence (Malkov 2006: 90).⁶²¹ Coupled with the pre-confession prayer in the reformed redaction, these central Orthodox texts produce a “fearful” impression upon believers, creating an “awesome” image of the Church and her priesthood. A priest thus acquires a “fearful” aura, which, unlike the pre-modern case, sets him apart from the lay.

619 “Ο Θεός, ο συγχωρήσας Δαυΐδ, διὰ Νάθαν τοῦ Προφήτου, τὰ ἴδια ἐξομολογήσαντι ἁμαρτήματα, καὶ Πέτρῳ τὴν ἄρνησιν, κλαύσαντι πικρῶς, καὶ Πόρρῃ δακρυσάσῃ ἐπὶ τοὺς αὐτοῦ πόδας, καὶ Τελώνῃ καὶ Ἀσώτῳ, αὐτὸς ὁ Θεός, συγχωρήσαι σοι δι’ ἐμοῦ τοῦ ἁμαρτωλοῦ πάντα, καὶ ἐν τῷ νῦν αἰῶνι, καὶ ἐν τῷ μέλλοντι. Καὶ ἀκατάκριτόν σε παραστήσαι ἐν τῷ φοβερῷ Βήματι. Περὶ δὲ τῶν ἐξαγορευθέντων ἐγκλημάτων μηδεμίαν φροντίδα ἔχων, πορεύου εἰς εἰρήνην.”

620 «Гдѣ и бѣхъ нѣкъ ѿне Хѣ бл҃гѣтїи и цєдротамн своєгѡ ѿколєнїа да прѣстїтѣ тн члвкѡ Нѣмкѣ: вєл сѡгрѣшенїа твоа: и азъ недостоинный Іерей, влєстїю сгѡ мнѣ данною, прощю и рѣзѣхшю тѣ ѡ вѣххъ грѣхѡвѣхъ твоѣхъ вѣ нма ѿца и сїа и сѣгѡ А҃а, А҃мнь».

621 «Не Бог прощает грехи, а священник! [...] Конечно же, в утверждении, что кающегося очищает от греха именно священник, обнаруживаются явные следы западного католического влияния. Потому что в понимании католиков все Таинства, за исключением одного [...] совершаются именно священнослужителем, причём епископ или священник здесь действует как бы “вместо Христа” [...]» [“It is not God, who forgives sins, but a priest! [...] Of course, the statement that a priest purifies the confessing person from sin betrays an evident trace of Western Catholic influence. For in the Catholic understanding, all Sacraments except one [...] are performed namely by a priest, and a bishop or a priest here acts ‘as if instead of Christ’ [...].”].

Russian Orthodoxy over the centuries after the reform has managed to shape a distinct religious archetype of Orthodox believers, (especially evident among novices), who tend to take for granted this “fearful” idea of Church and state. In Church parlance, as well as in Russian culture, it is habitual to use the figure of speech *раб Божий* and understand it literally as “a slave of God.” However, Church Slavonic has quite a few interesting meanings of *рабъ* (D’iachenko 1993).⁶²² Despite this, the usual interpretation is that of “slavery,” implying “absolute obedience” to spiritual authorities, who in turn, referring to Apostle Paul, teach the grassroots to obey state authorities unconditionally (cf. Chaplin 2016).⁶²³

This circumstance raises the problem of what is “tradition” in Orthodox perspective. In the modern world, “new” is as a rule preferred to “old” as more “progressive” and “better” in quality. In traditional environments, however, it is the other way around. Therefore, a traditional mindset should normally resist progress. In the case of the ROC, as we have seen, traditional attitude to life coexists with a modern one. Within the tradition discourse, the ROC resorts to violations of ancient canons by preferring local and relatively recent practices, such as the Church ceremony for marrying the non-Orthodox (see section 5.6.5). As for the confession procedure, another local tradition was made explicit in a new canonic document on the sacrament of Communion, adopted in February 2015. Although this is an internal issue, it vividly demonstrates the conflict of interests (Evcharistiia 2015: VI).⁶²⁴ The conflict between *de jure* and *de facto* here lies in the sphere of anthropology that has substantially changed since antiquity. The ROC

622 It is not only “slave” but also “inhabitant” (*обитатель*) or “resident” (*житель*), “servant” (*слуга*), “son” (*сын*), “daughter” (*дочь*), “boy” (*мальчик*), “youth” (*юноша*), “pupil” (*ученик*), and even “rabbi” (*раввин*).

623 «Главная проблема современного Православия [...] это то, что мы разучились быть рабами. Христианство – это религия сознательного и добровольного рабства. Рабская психология – это не какой-то скрытый подтекст, а *норма мироощущения* для православного христианина» [“The main problem of modern Orthodoxy [...] is that we lost the art of being slaves. Christianity is a religion of conscious and voluntary slavery. A slavish mindset is not a kind of hidden subtext but a *norm of Weltanschauung* for an Orthodox Christian”]. (Italics mine).

624 «Первая исповедь перед причащением, согласно 18-му правилу Тимофея Александрийского, совершается по достижении возраста *десяти лет*, но в традиции Русской Православной Церкви первая исповедь происходит, как правило, в возрасте *семи лет*» [“The first confession before Communion is performed at the age of *ten*, in accordance with Rule 18 of [St.] Timothy of Alexandria. Nevertheless, in tradition of the Russian Orthodox Church, the first confession takes place as a rule at the age of *seven*”]. (Italics mine).

realizes that modern children at the age of ten are already mature enough, and that the required self-reflection can be admitted in practice earlier. This causes a formal rift between the pre-modern norm and modern practice, which fact leads to violations of Orthodox canon law, without a critical attempt to explain the nature of the problem. The problem hence receives the following substantiation: if an established local practice contradicts ancient prescriptions, the ROC should follow her own local tradition and turn a blind eye to the rest. This approach to canon law *de facto* cancels it, although preserving pious rhetoric *de jure*. It represents modern *modus vivendi* of the ROC and raises the question of the scope of applicability of pre-modern canons in the modern world in general. Eventually, the ROC will have to come out of her woodwork and formulate her interpretation of the interaction of ancient canon law and modernity. It is clear that some of the canons could be reinterpreted without changing a letter, although some may require a more serious revision or amendment. However, most likely, everything will remain the way it is at present, when partial dodging of ancient canon law on the back of modern developments is camouflaged by faithful rhetoric.

7. Church, State, and Society in Post-Secular Settings

7.1. State ↔ Religion

Although the ROC is a dominant religious organization in the Russian Federation with some 80% of nominal supporters, the Kremlin is interested in smooth relations with all religions in the country that might exercise a sizable influence either inside or outside its borders (cf. De Biase 2013).⁶²⁵ It is clear that, in return, religious communities are expected to provide their support to some state policies.

For instance, a public attack on the Russian authorities concerning the Winter Olympic Games of 2014 in Sochi, perpetrated by a British actor Stephen Fry, who positions himself as a “gay” and a “Jew” (Fry 2013), received a subtle public blowback from a religious organization. In his appeal to the British government and the International Olympic Committee, Fry compared the Russian law on homosexual propaganda among children (see section 7.2) to the persecution of Jews under Hitler.⁶²⁶ It did not take long for the Federation of the Jewish Communities of Russia (*Федерация Еврейских Общин России*), representing the international ultra-orthodox Hassidic movement *Chabad Lubavitch*, with Rabbi Berl Lazar as a spokesperson, to come up with a public counterstatement. After expressing his resentment with the parallels drawn by Fry, Rabbi Lazar stated the following:

Nobody says that we want to destroy or oppress representatives of the sexual minorities. There is no one who would pursue such a goal. What we are asking is that the discussion of homosexual issues should not pertain to children, for children are open to all actions and influences. (Lazar 2013)⁶²⁷

625 “Eppure la religione occupa una parte decisiva nei suoi ragionamenti, fede e realpolitik avanzano di pari passo e questo non vale soltanto per il cristianesimo. In più di un’occasione il presidente russo ha difeso l’islam dagli attacchi [...]. [...] Ma l’attenzione nei confronti della fede ha spinto il Cremlino a migliori rapporti anche con le comunità ebraiche e con lo stato di Israele” [“However, religion occupies a decisive part of his statements, faith and real politics go along on a par, and this pertains not only to Christianity. On several occasions, the Russian president has defended Islam from attacks [...]. [...] And attention to the issues of faith has urged the Kremlin to set better relations with the Jewish community and the State of Israel”].

626 “He [Putin] is making scapegoats of gay people, just as Hitler did Jews.”

627 «Никто не говорит, что представителей сексуальных меньшинств мы хотим уничтожить или притеснить. Нет ни одного человека, который бы преследовал

It is noteworthy that Rabbi Lazar applies the pronoun “we” to the law backing: one might think that his organization either proposed or lobbied it, let alone it is satisfied with its adoption, possibly along with other denominations. Most noteworthy in this context is the fact that a religious and ultra-orthodox Jew publicly defended the state initiative against a secular and homosexual Jew, which was done almost on behalf of the secular state, leaving the latter a “non-partisan” party. This is an example of the Kremlin’s policy on religion.⁶²⁸

7.2. State → the ROC: A Legislative Approximation

While the ROC enjoys the status of the largest religious organization in Russia, her position in society allows her to influence the domestic political process at the legislative level. Good examples thereof are secular laws on “protection of believers’ sentiments” (Zakon 2013b: Art. 148.1),⁶²⁹ triggered by the famous case of the feminist punk band *Pussy Riot*, on “propaganda of the non-traditional sexual relations amongst the underage” (Zakon 2013a: Art. 6.21),⁶³⁰ and an amendment on abortion (Zakon 2014). Some of the laws received a positive feedback from the ROC officials (cf. Chaplin 2013). Since post-Soviet canon law of the ROC contains a negative position on homosexuality, blasphemy, and abortion, it makes the Church a stakeholder of the relevant legislation.

Indeed, the secular law on homosexual propaganda among the underage, interpreted as a proliferation of specific information capable of shaping, in particular, a “twisted idea of social parity of the traditional and non-traditional sexual relations” (Zakon 2013a: Art. 6.21),⁶³¹ reflects some aspects of the *Concept* (cf. section 5.6.9). It is noteworthy that the secular law draws a clear distinction of priorities between the mentioned sexual relations, stressing its public importance. The law on religious convictions reveals a connection to the relevant

такую цель. То, что мы просим, – это чтобы обсуждение вопросов гомосексуализма не касалось детей, ведь дети открыты к любым действиям и влияниям».

628 See Schreckinger 2017 for other cases pertaining to the Kremlin and the White House liaisons under President Trump in connection with Chabad.

629 «Оскорбление религиозных чувств верующих».

630 «Пропаганда нетрадиционных сексуальных отношений среди несовершеннолетних».

631 «Распространение информации, направленной на формирование у несовершеннолетних [...] искажённого представления о социальной равноценности традиционных и нетрадиционных сексуальных отношений».

canonic document. At the same time, legal parlance of secular law continues to surprise with its Russian language.⁶³²

The ROC raises her public voice in order to lobby certain legislative initiatives. The problem of abortion presents this process in a clear fashion. For instance, in January 2011, the ROC forwarded her official *Propositions for the Improvement of the National Policy on Family and Childhood Care* (*Предложения по совершенствованию национальной политики в сфере заботы о семье и детстве*) to the state authorities of the Russian Federation (Aborty 2011). The Church put forward some noteworthy initiatives, including: the priority of pregnancy preservation and women's awareness of the risks involved in abortion;⁶³³ introduction of a mandatory two-week waiting period, "in line with the practice in some developed countries";⁶³⁴ exclusion of operations for abortion, except in life-threatening cases, from the expenses normally covered by medical insurance, as well as from taxpayers' funds;⁶³⁵ support for the mass media campaigns that deplore abortions and their negative consequences, and propagating motherhood

632 To give an example, what is "deprivation of freedom [...] with limitation of freedom" (Zakon 2013b: Art. 148.2)?

633 «Принять ведомственную инструкцию Минздравсоцразвития, ставящую перед врачом в качестве приоритетной задачу по сохранению беременности и запрещающую врачебные инициативы по её прерыванию, предписывающую в обязательном порядке и в полном объёме знакомить женщин со всеми негативными последствиями и рисками при совершении аборт» ["To adopt a corporate instruction of the Ministry of Social and Health Development that would put the task of pregnancy preservation before a doctor and that would forbid medical initiatives on its aborting; that would prescribe to familiarize women with all negative consequences and risks of abortion, in a binding way and in full"].

634 «Ввести в практику медицинских учреждений по примеру развитых зарубежных стран обязательный двухнедельный период ожидания после оформления "информированного согласия"» ["To introduce into practice of medical facilities, based on the example of developed countries, a mandatory two-week waiting period after signing the 'agreement of awareness'"].

635 «Вывести операции по прерыванию беременности (за исключением случаев прямой угрозы жизни матери) из системы медицинского страхования. Исключить совершение абортов на средства налогоплательщиков, в том числе принципиальных противников абортов» ["To exclude operations for abortion (except for cases of direct threat to the life of mother) from the system of medical insurance. To exclude the practice of abortion as performed at the expense of taxpayers, and as performed at the expense of principal opponents of abortion"].

and parenthood.⁶³⁶ The ROC also suggested creating special centers for psychological aid at all available clinics with participation of the clergy of the traditional religions,⁶³⁷ as well as creating shelters for single mothers and their children.⁶³⁸ The latter case presupposes a relationship of symphony, a close cooperation between state and Church, whereby the state should take care of the premises, and the Church can provide help in training social workers and other staff for the facilities.

The relevant secular law containing articles on abortion was passed ten months after the ROC's *Propositions*, in November 2011, albeit leaving out most of the Church's initiatives (Zakon 2011b). Instead, the legal norm underlines the woman's prerogative to decide on her motherhood, whether she is "pro-life" or "pro-choice" (Zakon 2011b: Art. 56).⁶³⁹ One of the exceptions carved in the law is waiting period, although it was reduced from the suggested two weeks to a few (up to seven) days, depending on circumstances (Zakon 2011b: Art. 56). Moreover, the doctors involved in operations for abortion, were entitled to refuse from performing them (Zakon 2011b: Art. 70).

In 2014, President Putin signed some amendments to the law that toughened responsibility for noncompliance with the principle of "informed voluntariness" and waiting period (Zakon 2014).⁶⁴⁰ It is noteworthy that the amendments apply

636 «Оказать государственную поддержку кампании в СМИ по осуждению абортов, разъяснению их негативных последствий, пропаганде материнства, ответственного отцовства и многодетности» ["To provide state support to media campaigns on deploring abortion, on explaining its negative implications, on propagating motherhood, responsible fatherhood, and family with many children"].

637 «Создать при каждом роддоме центр кризисной беременности с участием психолога и представителей традиционных религий. Направлять женщин, пожелавших прервать беременность, на собеседование в указанный центр» ["To create at each clinic a pregnancy crisis center with participation of psychologists and representatives of the traditional religions. To send the women who have agreed to have abortion to an interview at the center"].

638 «Создать сеть приютов для одиноких матерей, оказавшихся в трудной жизненной ситуации. Государство могло бы предоставлять помещение и ресурсы для создания таких центров, а Церковь – помочь в подготовке их сотрудников, в особенности добровольцев милосердия» ["To create a network of shelters for single mothers who find themselves in a difficult life situation. The state could provide premises and resources for creating such centers, and the Church could help in training their staff, especially volunteers of mercy"].

639 «Каждая женщина самостоятельно решает вопрос о материнстве» ["Each woman independently decides on the issue of motherhood"].

640 «Нарушение требований законодательства в сфере охраны здоровья о получении информированного добровольного согласия – влечёт наложение

not only to doctors, but also include public officials and legal entities. It means that, in case of noncompliance, the whole hierarchy of a medical facility automatically becomes subject to prosecution based on mutual responsibility. The amendment was positively assessed by some ROC representatives (cf. Kuraev 2014a).⁶⁴¹

At present, the ROC continues lobbying the secular legislation on the issue. In January 2015, Patriarch Kirill was invited to the State Duma of the Russian Federation, where he again raised the abortion problem. Combining the transcendent and immanent reasoning in his public address, such as “sin” and “demography” (Kirill 2015c),⁶⁴² Kirill suggested passing a complex package of social initiatives to fight the enormous abortion rate in Russia (Kirill 2015c).⁶⁴³ Kirill also reiterated the 2011 proposal to exclude abortion from mandatory medical insurance, engaging in the public polemics with those who claim that the rate of illegal abortions would spike in this case: Kirill argued that illegal surgeries are

административного штрафа на граждан [...]; [и на] на юридических лиц [...]. 2. Нарушение сроков [...] установленных законодательством [...] влечёт наложение административного штрафа на граждан [...]; на должностных лиц [...] [и на] на юридических лиц [...]» [“Violation of law on health care in receiving the awareness agreement entails administrative fines for individuals [...]; [and for] legal entities [...]. 2. Violation of deadlines [...] set in the law [...] entails administrative fines for individuals [...]; officials [...] [and] legal entities [...]”].

641 «Это важно: впервые вводится ответственность врача за понуждение к аборту» [“It is important: for the first time, doctors are made responsible for coercing to having abortion”].

642 «Если бы удалось в два раза сократить количество абортов, у нас был бы устойчивый и мощный демографический рост. Церковь, следуя заповеди Божией “не убий”, всегда видела в умерщвлении неродившегося ребёнка тяжкий грех» [“If we could succeed in reducing the abortion rate in two times, we would get a stable and powerful demographic growth. The Church, following the divine commandment ‘Thou shalt not kill,’ has always viewed killing of unborn babies as a grave sin”].

643 «Преодоление этого зла требует комплексных мер, которые должны включать в себя помощь семьям в разрешении жилищных проблем, материальную поддержку многодетных семей, введение в работу системы здравоохранения этических норм, которые побуждали бы врачей заботиться о сохранении жизни зачатого ребёнка, а также сдерживание рекламы и пропаганды абортов или их полное запрещение» [“Overcoming of this evil requires a complex approach that should include support to families in housing problems, material support to large families, introduction of ethical norms into the healthcare system that would prompt a doctor to preserve the life of conceived babies, as well as limitation of advertisement and propaganda of abortion or its absolute prohibition”].

“paid-for operations” in any event (Kirill 2015c).⁶⁴⁴ This time, the Parliament reacted to the address of the ROC leader with three draft laws, including licensing of the abortion practice, circulation of abortive medications, and medical video and audio examination of the heartbeat of to-be-born babies (Aborty 2015). Hence, it can be concluded that, although the church-state legislative cooperation is underway, the degree of its mutuality is not as complementary as the ROC wants it to be.

7.3. The ROC in the International Relations

7.3.1. Between Russia, China, and America

In May 2013, Patriarch Kirill paid the first patriarchal visit in the history of the ROC to China, where he met with President Xi. Kirill had been to China before as a Metropolitan. Moreover, he and President Putin seem to have coordinated their closely slated visits to China in 2004, which year Alicja Curanović calls a “watershed” (*przełomowy rok*) in relations between Russia and China (Curanović 2010: 301), whereafter, for instance, Chinese students were allowed to go to Russia to study Orthodox theology (Curanović 2010: 301). In order to fly to Beijing, Kirill utilized Air Force One. According to its Constitution, the Russian Federation is a secular state, and the use of the aircraft did not come unnoticed. For instance, Saken Aimurzaev, a journalist, raised a question of the legality of the flight (Aimurzaev 2013a), and sent his request to the Kremlin (Aimurzaev 2013b).

644 «Простите, а подпольные аборты бесплатно делаются? [...] Просто нужно, чтобы в случае, когда женщина принимает такое роковое решение, она естественно обращалась бы к профессиональным медикам, цена услуг которых не должна быть больше, чем цена услуг “подпольщиков”, и решится проблема» [“Excuse me, are illegal abortions free of charge? [...] We simply need that, when a woman made this fatal decision, she went to professional doctors, whose service fee must not be higher than that of illegal ‘servicemen,’ and so, the problem will be solved”].

Figure 8: A reply of the Kremlin Executive Office (Transport 2013)

	
УПРАВЛЕНИЕ ДЕЛАМИ ПРЕЗИДЕНТА РОССИЙСКОЙ ФЕДЕРАЦИИ ТРАНСПОРТНОЕ УПРАВЛЕНИЕ	АЙМУРЗАЕВУ Сакену Еркиновичу
Никитинков пер., д. 2, под. 5, Москва, 103132 тел. 606-12-10, факс 606-41-20	E-mail: @gmail.com
<u>04.06.2013 № УДИ-14-1610</u>	
Уважаемый Сакен Еркинович!	
Управление делами Президента Российской Федерации, рассмотрев Ваше обращение от 17.05.2013 г. по вопросу авиационной перевозки Святейшего Патриарха Московского и всея Руси КИРИЛЛА в Китайскую Народную Республику сообщает, что выполнение упомянутой авиаперевозки осуществлено в соответствии с Указом Президента Российской Федерации от 18.10.2011 № 1381 «Об организации перевозок лиц, замещающих государственные должности Российской Федерации, отдельные должности федеральной государственной службы, и иных лиц».	
Начальник управления	 Д.Б. Аносов
Отурьев С.Н. (495) 606-66-59	

The Executive Office of the Kremlin referred to a special presidential order dated 2011 that provides for a legal basis in the case. It follows from the order (Ukaz 2011)⁶⁴⁵ that, by granting the right to the Patriarch to use the presidential vehicle at the expense of the state budget, the quoted norm of law neither violated formal secularity of Russia nor implied a merger of the state with the Church, albeit Aimurzaev concluded otherwise (Aimurzaev 2013b).⁶⁴⁶

Kirill's talk with Xi Jinping received a rather nondescript official coverage: a report in *Журнал Московской Патриархии* contained a traditionally elevated, yet brief, summary of the meeting in China (Kitai 2013: 11).⁶⁴⁷ This and some other reports of the event (cf. Vesti 2013; RIA 2013) provide little information for the understanding of what actually was discussed during the meeting and why it was the first person of China, for example, and not someone of a lower rank. Indeed, why would the President of China spend two hours of his time with a religious leader, whose community in the country is all but numerous? Chinese sources stand in contrast to the Russian accounts of the event, revealing

645 «Управлению делами Президента Российской Федерации обеспечивать [...] выделение с письменного согласия Президента Российской Федерации гражданских воздушных судов специального назначения, специальных железнодорожных служебных вагонов и водных судов специального назначения для перевозки лиц, замещающих государственные должности Российской Федерации, отдельные должности федеральной государственной службы, и иных лиц в пределах территории Российской Федерации и за пределы территории Российской Федерации [...]» [“The Executive Office of the President of the Russian Federation shall [...] provide, considering the written agreement of the President of the Russian Federation, civil aircrafts of special purpose, special railroad cars, and water vessels of special purpose for transportation of the persons who substitute public positions of the Russian Federation, some positions of the federal state service, and other persons within and without the Russian Federation [...]”].

646 «Церковь в России не отделена от государства».

647 «В приветствии, обращённом к высокому гостю, Председатель КНР подчеркнул, что Патриарх Московский и всея Руси впервые в истории посещает Китай, и назвал визит Первосвященителя “ярким проявлением высокого уровня и особого качества китайско-российских отношений”. Участники встречи обсудили духовные аспекты отношений между народами, основанных на схожести фундаментальных нравственных ценностей» [“Greeting the high guest, the Chairman of the People's Republic of China underlined that the Patriarch of Moscow and All Rus' was paying the first ever visit to China, and called the Primate's visit ‘a bright manifestation of the high level and the special quality of the Sino-Russian relations.’ The participants discussed spiritual aspects of the relationship between the peoples, based on the similarity of the fundamental moral values”].

pragmatic political contents of the meeting. In particular, Xi Jinping, who had visited Russia two months before and “achieved outstanding results”⁶⁴⁸ meeting with Vladimir Putin, stressed the following political agenda:

Xi Jinping spoke highly of the ROC’s consistent and active support for the development of Sino-Russian relations and her explicit support for China on issues concerning its core interests, including national sovereignty, security, territorial integrity, and development. Xi Jinping noted that the visit of Patriarch Kirill to China was part of religious exchanges between the two countries, and that it also demonstrated a high level and special friendly relationship between China and Russia. It will help deepen the mutual understanding. He expressed a hope that the ROC and Patriarch Kirill would play a greater role in promoting the Sino-Russian friendship. (Xinhua 2013)⁶⁴⁹

Figure 9: Patriarch Kirill and Xi Jinping in Beijing in May 2013 (Xinhua 2013)



648 “取得丰硕成果。”

649 “习近平高度赞赏俄罗斯东正教会一贯积极支持发展中俄关系，在涉及中国国家主权、安全、领土完整和发展等核心利益问题上明确支持中方。习近平表示，基里尔大牧首这次访华是两国宗教交往的一部分，也体现了中俄两国高水平 and 特殊友好关系，有助于加深相互了解。希望俄罗斯东正教会和基里尔大牧首为促进中俄友好发挥更大作用。”

Although Kirill spoke about “similar values and concepts of life” between Russia and China,⁶⁵⁰ the words of President Xi demonstrate that the Chinese perceived Kirill, *inter alia*, as a political intermediary from the Kremlin. Likewise, both the Kremlin and the Moscow Patriarchate seemed to have understood this subtle aspect of diplomacy with Beijing, and that is why Kirill was offered travel on Air Force One. By accepting it, however, the Patriarch simply underlined his explicit cooperation with the state; the very fact does not mean a violation of the secular basis of the Russian Constitution. Rather, it manifests the ROC’s interpretation of the separation principle as a situation when the two parties, the Church and the state, cooperate without substituting or subjecting each other (cf. Postanovleniia 2013: 16).

At the meeting, Beijing spoke of pragmatic matters approached from the perspective of Chinese national interests.⁶⁵¹ In this connection, “territorial integrity” is especially noteworthy, given that in 2004 Moscow had agreed to cede a small part of its territory to Beijing in order to finalize the demarcation of state borders between the countries (Soglashenie 2004; Zakon 2005). In diplomatic language, stressing territorial aspects before a religious leader may imply a signal to the Kremlin for further rapprochement, not necessarily territorial, using the ROC as a tool in geopolitical scenarios between the two powers. Against this background, the unprecedented contracts for supplies of hydrocarbons from Russia to China, concluded in 2014, and other follow-up cooperation projects raise questions as to the ROC’s possible “greater role” in general. Promoting Church interests and, along with it, the idea of “Russian Ecumene” in China, Kirill did a significant favor to the Kremlin that will hardly remain unrewarded according to the laws of the genre.⁶⁵²

Besides, since July 2009, Patriarch Kirill hosts meetings with the Head of the State Department of China on Religions, whom Kirill personally invited to Russia in 2014 (Rukovoditel’ 2014). It is also noteworthy from the point of

650 “两国人民有着相通的理念和价值观” (Xinhua 2013) [“The peoples of the two countries have common concepts [of life] and value systems”].

651 The Chinese word “security” 安全 literally means “complete serenity.” The latter betrays the traditional philosophical background of legal terminology in question, with a connection to the Chinese state (cf. the 天安门 Tiananmen Square and monument in Beijing, translated as “gate of heavenly serenity”).

652 In this connection, the intercession of Kirill before Tehran, and the subsequent early release from prison of an Iranian Protestant pastor in 2015, who had been accused by the Iranian authorities of acts that threaten national security of the Islamic Republic of Iran (Pastor 2015), can be seen as a fragment of the story.

view of church-state relations that the Ministry of Foreign Affairs of the Russian Federation provided interpreters for the ROC (Rukovoditel' 2014),⁶⁵³ and that significant public servants from the Kremlin took part in this "spiritual" exchange between the Chinese officials and the ROC leadership (Rukovoditel' 2014).⁶⁵⁴

The ROC also tries to mediate uneasy liaisons between the USA and the Russian Federation, exemplified by the meeting of Metropolitan Ilarion with the Vice President of the United States, Mike Pence, which took place in May 2017 at the World Summit in Defense of Persecuted Christians in Washington D.C., organized by the Billy Graham Evangelistic Association. In particular, Ilarion "urged the U.S. to cooperate with Russia to combat terrorism in the Middle East" (Dias 2017).⁶⁵⁵ Interestingly, the Summit was initially planned to be held in

653 «Китайских гостей сопровождал советник МИД России, переводчик А. П. Поваляев» ["The Chinese visitors were accompanied by an advisor and translator of the Ministry of Foreign Affairs of Russia, A. P. Povaliaev"].

654 «Беседа о дальнейшем развитии отношений России и Китая в духовном и культурном измерении была продолжена за обедом в Патриаршей резиденции, в котором приняли участие также заместитель начальника Управления Президента России по внешней политике В. П. Назаренко, референт Управления Президента России по внутренней политике С. А. Мельников [...]» ["The talk about further development of relations between Russia and China in spiritual and cultural terms was continued at a dinner at the Patriarchal residence; it was also attended by Deputy Head of the Department of External policy under the President of Russia, V. P. Nazarenko, and advisor of the Department of Internal policy under the President of Russia, S. A. Mel'nikov [...]"].

655 Cf. the Russian version: «В беседе с высокопоставленным американским политиком председатель Отдела внешних церковных связей Московского Патриархата митрополит Волоколамский Иларион выразил убеждение в том, что для преодоления террористической угрозы необходимо создать единую всемирную антитеррористическую коалицию, в которой бы приняли участие Соединенные Штаты Америки и Российская Федерация. Как подчеркнул председатель ОВЦС, невозможно победить терроризм при помощи нескольких коалиций, которые находятся в противоборстве одна с другой» ["During the talk with the high-profile American politician, the Chairman of the Department of External Relations of the Moscow Patriarchate, Metropolitan Ilarion, expressed a conviction that, in order to overcome the terrorist threat, one needs to create a united worldwide anti-terrorist coalition, in which both the U.S. and the Russian Federation would take part. The Chairman of the Department stressed that it is impossible to win over terrorism with a few coalitions that are in confrontation with each other" (Ilarion 2017b)].

Moscow, but was later moved to Washington “at the Russian leaders’ suggestion” (Dias 2017). What is even more interesting is that “a White House spokesman [...] said the cleric’s comments also reflected President Trump’s views” (Dias 2017). A Russian-language source adds to this that the parties discussed other issues “of mutual interest” (Ilarion 2017b).⁶⁵⁶ It took the ROC two years to organize the meeting at this level (Dias 2017). Therefore, it does not come as a surprise that, after speaking with the U.S. Vice President, Metropolitan Ilarion felt “‘very positive’ about the future of the relationship between the U.S. and Russia” (Dias 2017). Besides, his visit demonstrated how communication between the ROC leadership and the Kremlin works: Ilarion reports to Kirill, and the latter, “if necessary,” can funnel the information further up the chain (Ilarion 2017c).⁶⁵⁷

7.3.2. The ROC in the European Union

A telling feature of the modern ROC is her representative Office in Strasbourg. The Office was founded in 2002 in order to “promote the dialogue between the Church and international European organizations” (Predstavitel’stvo 2015).⁶⁵⁸ It is supervised by the second person in the ROC, Metropolitan Ilarion, who headed the Office until 2009 (Predstavitel’stvo 2015). Patriarch Kirill, while being a Metropolitan, sanctified the Office premises in 2003 (Predstavitel’stvo 2015). Within the general “dialogue” frame, the Office pursues direct contacts with European officials concerning the questions of human rights and the rights of believers in Europe, migration issues, European integration, interreligious and ethnic peace, social justice, bioethics, and ethical components with regard to modern technology (Predstavitel’stvo 2015).

656 «В ходе общения митрополита Илариона и М. Пенса был затронут ряд других вопросов, представляющих взаимный интерес» [“During the communication of Metropolitan Ilarion with M. Pence, a range of other issues of mutual interest were touched on”].

657 «Я доложу Святейшему патриарху Кириллу о результатах беседы, а он, если сочтет нужным, сможет донести эту информацию до российского руководства» [“I will report to the Most Holy Patriarch Kirill on the outcomes of the talk, and he, if deemed necessary, will be able to communicate this information to the Russian leadership”].

658 «Представительство было создано 17 июля 2002 г. [...] “в связи с расширением диалога Русской Православной Церкви с европейскими международными организациями”» [“The representative Office was founded on July 17, 2002 [...] ‘in connection with the expansion of the dialogue between the Russian Orthodox Church and European and international organizations’”].

For instance, the ROC issues and circulates among European organizations her documents on human rights and dignity, such as *Communiqué about the Coming Debate at the PACE on the Report and Draft Resolution “Tackling Intolerance and Discrimination in Europe with a Special Focus on Christianity”* (Communiqué 2015), *On violation of Children’s Rights in Case of their “Adoption” by Homosexual Unions* (Communiqué 2013), or *Report of Russian Jurists on the Legal Recognition of Value of Life and Human Dignity of a Child at the Stage of Prenatal Development* (Report 2014).

Some other LOCs have their representative offices in Strasbourg, too (e.g., the Constantinople Patriarchate, the Church of Cyprus, the Romanian Orthodox Church, the Church of Hellas), let alone the Roman Catholic Church, Protestant communities, and inter-Christian organizations (Predstavitel’stvo 2015), thus testifying that these activities mark Orthodox and Christian modernity in general. The ROC aims at establishing direct contacts with European entities, providing them with the first-hand information on particulars of the ROC’s doctrine and mission (Predstavitel’stvo 2015).

It is noteworthy that the LOCs step outside their traditional domains and arrange facilities that emulate practices of secular corporations and states, with their representative offices and embassies across the globe. Before that, Russian Orthodoxy knew the institution of *подворье*, in the form of a regular parish as a representative “office” or “embassy” on the canonic territory of another LOC. Here, however, we see a transfusion of particular Orthodox, overall Christian, non-Christian, and secular elements. This transnational theopolitics is an interesting phenomenon of the Moscow Patriarchate.⁶⁵⁹ The desire of the ROC leaders to influence politics nationally and internationally, either directly, by navigating political and social elites in order to implement the Russian Orthodox model of life (which makes it rather close to the Iranian model), or indirectly, contributing to their “enlightenment” through an “effective presence” of the Church in the public space, evidences their modern theopolitical ambitions.

7.4. Nation State → Nation Church → “Orthodox Nation”

Being a nation Church in Russia, the ROC attempts to balance her nation-state fascination by appealing to human equality, quite in the spirit of the Universal

659 Cf.: “[t]he ROC’s influence is increasingly evident beyond the realm of domestic policies” (Blitt 2011: 365).

Human Rights Declaration (cf. Concept 2008: II.4).⁶⁶⁰ With a footprint in many countries outside the Russian Federation, the ROC is occasionally perceived in some of them as a rival Church, expanding political influence of the Kremlin. In this regard, the title *Московский Патриархат* would seem more neutral, stressing the geographical affiliation, although the very name “Moscow” can also be a carrier of negative associations, for instance, in Ukraine. Although I usually use the term “ROC” herein as a synonym of “Moscow Patriarchate,” they are not always identical: for one, in Ukraine and in Japan.

The Japanese Orthodox Church (JOC) of the Moscow Patriarchate consists of the native Japanese, employs the Japanese language, *et cetera*. The JOC, with her 2 bishops and 150 parishes (Richters 2015: 278), could in principle get an autocephalous status if it were not for theopolitical reasons. The latter imply not only Moscow-Tokyo diplomacy, but also the Moscow Patriarchate itself: “divorcing” one local Orthodox community, even so small in terms of numbers, will entail unrest in other affiliated communities. Referring to Ukraine and the UOC with her 35% share within the ROC, the situation there seems to be much more sensitive in this respect. The reverse side of the problem is observable in Greece and Cyprus, where the *de facto* nation Churches do not demand a separate status for themselves. The reason for it is a strong connection to the Constantinople Patriarchate, which is at present in Turkey. For Greek-speaking people, the Turkish name “Istanbul” betrays a historical echo of the Greek phrase εἰς τὴν Πόλιν (“into the City”), pointing at Constantinople, which used to be called “the City” in common parlance (Shepard 2008: 887; Crowley 2008: 37). Being a Turkish city today, Istanbul keeps Orthodox believers in the nation states of Greece and Cyprus in a situation that requires no nation Church.

The principle of “one state, one Church,” so desired by some in Ukraine, collides with the reverse trend at the Moscow Orthodox center, professing one canonic territory across many nation states. In the pre-modern times, there were no nation Churches, and the division used to be strictly geographical: it was “the Church in Rome,” “the Church in Korinthos,” or “the Church in Jerusalem.”

660 «Православной этике противоречит деление народов на лучшие и худшие, принижение какой-либо этнической или гражданской нации. Тем более не согласны с Православием учения, которые ставят нацию на место Бога или низводят веру до одного из аспектов национального самосознания» [“It is contrary to Orthodox ethics to divide nations into the best and the worst and to belittle any ethnic or civic nation. Even more contrary to Orthodoxy are the teachings that put the nation in the place of God or reduce faith to one of the aspects of national self-awareness” (Bases 2000: II.4)].

There were no national connotations such as *The Russian Church* or *The Greek Church*.⁶⁶¹ According to this ecclesiology, it would be correct, for instance, to call the ROC in the Russian Federation *The Orthodox Church in Russia*, and in Ukraine, *The Orthodox Church in Ukraine*. A perfect example of the present day is *The Orthodox Church in America*. Some phenomena of Church life reflect her modern thinking, when the form does not correspond with the content. For instance, the Moscow Patriarchate has a diocese in Great Britain⁶⁶² called the Diocese of Surozh, created in 1962 and consisting of 46 parishes. The point is that the town of Surozh (modern Sudak) was located in the Crimean peninsula. Having a seat in London, why would the diocese bear the name of a Crimean town?⁶⁶³ In line with traditional ecclesiology, it should be called *The Church in the British Isles* or the like. Interestingly, the diocese was initially to be called quite correctly, “of London and Great Britain”; however, it was rejected in order not to “offend the Anglican Church” (Hämmerli/Mucha 2014: 292–293), which partially recognizes the status of this non-Orthodox community in the eyes of the ROC.

Besides, building on the notion of nation, the ROC’s *Concept* considers two standard definitions thereof: ethnic and political. However, the ROC is not quite content with the existing dichotomy, and suggests a third definition, of “Orthodox nation” (*православный народ*) (Concept 2008: II.3).⁶⁶⁴ Although “Orthodox nation” is supraethnic, it is different from multiethnic “political nation.” With 80% nominal Orthodox believers, Russia would comply with the suggested definition. “Community of faith” reminds of traditional ecclesiology, and the

661 Cf.: «У насъ выраженія “русская церковь”, “греческая церковь” – ходячія, а въ древности они звучали паралогизмомъ. Каждый зналъ католическую церковь или церкви въ смыслѣ епископій [...]» (Bolotov 1913: 178) [“We take the expressions ‘Russian Church’ or ‘Greek Church’ for granted, although in antiquity they would sound like paralogism. Everybody knew the catholic Church or churches in terms of dioceses [...]”].

662 See an overview of the situation with the Orthodox communities in the U.K. in Wybrew 2014.

663 Cf. the Greek community in Venice (1577–1790) that used to have a Metropolitan with the title “of Philadelpheia and Asia Minor” (Podskalsky 1988: 14).

664 «Когда нация, гражданская или этническая, является полностью или по преимуществу моноконфессиональным православным сообществом, она в некотором смысле может восприниматься как единая община веры – православный народ» [“When a nation, civil or ethnic, represents fully or predominantly a mono-confessional Orthodox community, it can in a certain sense be regarded as the one community of faith – an Orthodox nation” (Bases 2000: II.3)]. Cf. *congregatio fidelium*.

Moscow Patriarchate is indeed a community of faith, like any other LOC. What it lacks is a strictly national frame in the political sense. If 80% of the Russian citizens who identify themselves as nominally Orthodox are acknowledged as an “Orthodox nation” along with the existing political nation that is, in turn, based on the principle of citizenship, it becomes a new subject of legal relations in the country. Besides, “Orthodox nation” will combine both aspects, and, coupled with the ROC as a corporation, it will lead to a significant change in the established order of things in the country. This will hardly be tolerated by the state, which is probably why the ROC makes a reservation (“in a certain sense”), as though she were not quite confident about the correctness of her reasoning.

Hence, the ROC leaders have managed to produce two interesting initiatives: the principle of “peaceful civil disobedience” (see section 5.6.2) and the concept of “Orthodox nation” within the existing political reality. Both remain rather underdeveloped, yet they are officially formulated in canon law. If the disobedience clause can be applied directly, the “Orthodox nation” concept requires more work before it can make its way into the public space. Nevertheless, within the narrow power discourse, both principles can be taken as subtle attempts of the ROC leadership to safeguard an independent status for the Church.

7.5. “The Visible Religion”

The Visible Religion is an antithesis to Thomas Luckmann’s concept expressed in the title of the American edition of his book *The Invisible Religion* (1967), which aimed to describe a public system of sacred values that spun off from the traditional religion under the pressure of secularization.⁶⁶⁵ As such, it implies private, non-Church, non-institutional religiosity,⁶⁶⁶ as a turn to one’s own self.⁶⁶⁷ It is also called a “non-doctrinal,” “implicit,” or “hidden religion” (Knoblauch 1991: 27). In both cases, it is opposite to the notions of “institutionalized,” “explicit,”

665 „Wir versuchten zu zeigen, daß die Struktur des modernen Heiligen Kosmos und sein thematischer Inhalt ein Anzeichen für das Aufkommen einer neuen gesellschaftlichen Form der Religion darstellt, die eine Folge der radikalen Veränderungen in der Beziehung zwischen dem einzelnen und der Gesellschaftsstruktur ist“ (Luckmann 1991: 158).

666 Cf.: „Die Unsichtbarkeit liegt zum einen im Bedeutungsverlust der institutionalisierten Religion begründet. Das äußert sich im Rückzug religiöser Repräsentationen aus dem öffentlichen Leben“ (Knoblauch 1991: 29).

667 „Die im modernen Heiligen Kosmos vorherrschenden Themen verleihen dem Individuum so etwas wie einen sakralen Status, in dem sie seine ‚Autonomie‘ hervorheben“ (Luckmann 1991: 153).

“palpable,” and “visible.” However, visibility, explicitness, and palpability are exactly what the ROC wants to achieve. In this connection, calling the ROC and her modern stance “the visible religion” seems to be both accurate and adequate.

The analyzed post-Soviet canon law provisions of the ROC on relations with state and society represent a comprehensive and well-considered cultural program of the Church cooperation with these elements of modernity. The ROC sees herself as ontologically distinct from state and society, so that between them there can be no merger. For this reason, the Moscow Patriarchate considers itself one of independent centers of influence and decision-making, whose relationship with the state is based upon the principle of Byzantine law known as symphony of powers. It is implied that symphony, at present, is not possible in the form in which it was formulated under Emperor Justinian in the 6th century C.E. Russian Orthodox canon law, however, aims at a close co-working between Church and state within the modernized model of symphony, which can also be described as “reinvented” or “reloaded.” On the book cover, President Putin is “included” in the world’s Orthodoxy, represented by the Orthodox primates from around the globe, thus realizing a symbolic (and desired) image of symphony.

Apart from the concept of consonance, history knows some other models of church-state relations, such as caesaropapism and theocracy, when secular heads of state or religious leaders become a legal part of either religion or state. However, these should be distinguished from the overall state oppression of religion the way it was in the USSR, when the Soviet leaders, unlike the Russian tsars after Pavel I, had no intention to become included in the Orthodox Church as her legal heads.

The ROC seeks to affect the modern world in its diversity, which is why the cultural program contained in her canon law provides for a theological analysis and response of the Church to a number of contemporary phenomena. Canon law is concerned with the ontological basis of the technological progress, attaching the paramount importance to it when evaluating its usefulness or harmfulness. The attitude to the progress is determined by the extent to which, from the point of view of the authors of the documents, this or that immanent science and technology achievement fits into the transcendental soteriological perspective. Here, we come to the main nerve of ROC canon law: modernity and postmodernity are accepted then and to the extent, when and in which they can be used by the Church in order to achieve her strategic transcendental goal – the “eternal salvation” of man.

The secular categories of human rights and dignity are considered within the same perspective. In this case, the concept of human rights is counterbalanced

by duties (e.g., of children and parents), and human dignity is derived from the biblical model of creation, being tied to “internal freedom”: it is stated that a truly free person does not sin, that is, he or she has no inclination for trespassing the moral boundaries preinstalled from above. Such freedom, accordingly, does not need an external limitation by law, because law is considered to have emerged as an antidote to sin. Freedom of arbitrary choice between good and evil can lead to the “eternal death,” if applied with disregard to the biblical norms. This approach makes for the understanding why the ROC condemns abortion, euthanasia, human cloning, or homosexuality, at the same time accepting other practices of modernity such as the new media, non-abortive contraceptives, transplantation of tissues, or science-based thinking.

Canon law implies specific discipline in the Orthodox Church: prescriptions and prohibitions, adopted mainly in the pre-modern era, under the (East) Roman state; and corporate instructions, circulars, principles of attitude, official positions, theoretical concepts, and declarations adopted during the time of and in connection with modernity. The pre-modern canons were based on the pre-modern ideas of the world and man. The Scripture, Church communities in various regions, and politicians of the ancient Greek-Roman Ecumene, such as Byzantine emperors, all contributed to the canon corpus. Even in her modern canon law, the ROC exhibits a clear “imprint” of pre-modernity.

Orthodox canon law knows two fundamental ways of implementation, *akribeia* and *economy*. Practice shows that the Orthodox Church often deviates from the letter of law towards compromises. At present, each LOC has her own local canon law system, based on the common canonic heritage. The ancient canonic heritage remains at the heart of the Orthodox worldview and partly shapes the modern Orthodox agenda, although it is taken controversially: it cannot be rejected either in full or in part, and yet it is sometimes too “awkward” to be applied, even in the sense of *economy*. As a result, in practice, the ROC can either ignore the applicable ancient canons or metonymize the relevant context, turning the *akribeia*-vs-*economy* dichotomy into a *quatrochotomy* (*akribeia*, *economy*, *wordplay*, and *ignoring*).

Apart from the external growth and expansion, the ROC is concerned with the internal conceptual modeling of herself. While reading canonic texts, one should heed the specifics of the Church idea of herself as a supraordinary institution, which is only partially similar to others. The ROC looks beyond immanence, such as political and economic stability, seeing them as fundamentally unstable, and targets extraterrestrial milestones expressed in the soteriological dichotomies of “Heaven and Hell,” “sin and righteousness,” “life and death,”

“good and evil,” as well as the notions of “eternal life,” “resurrection of the body,” and “immortality of the soul.” A deviation from “good” values towards “evil” ones is considered detrimental. In this regard, the Church has a number of canons regulating her activities in terms of “good” and “evil” values. The canons, hence, are designed to point to the “right” or “wrong” direction, and are based on the idea that Orthodox believers can be navigated by them.

The commandments in the Old Testament, subdivided into positive (“do”) and negative ones (“do not”), can be viewed as the first “canons,” or proto-canons. They navigated the ancient community of Hebrews and shaped their understanding of what is good and bad. However, the Old Testament commandments differed from the later canons, since canon law explicitly indicates afterlife as its goal. Immanent life in the long-term perspective is thought to be guided by a set of interim prescriptions and prohibitions. A good example thereof is the ruling on surrogacy. It prohibits baptizing the children born by surrogate mothers, unless their parents recant. Apart from showing how the canons are implemented at the lower ecclesiastical levels (in dioceses), the ROC deplors this reproductive technology and carves it out of “normal” social life. It is declared to undermine the idea of human nature, created by God, making a man a construct of individual orders in lieu of the traditional idea of “image and likeness” of God. A more general document defines similar technology as theomachy. Since this sort of interference is said to be not in line with the divine plan, it cannot be blessed by the ROC, and, as a result, a person involved in such technological interference will have problems in the afterlife perspective, which is the key concern of the Church. The same pertains to the issue of homosexuality.

Hence, we deal with a strategy stretching beyond the habitual immanent boundaries. The afterlife mindset explains the ROC’s attempt to have her own laws on the burning issues of modern life, highlighting “right” and “wrong” ways for the faithful, as well as attempts to influence secular law. On the other hand, the ROC acknowledges that the state can and should stop manifestations of social evil. Despite the fact that secular laws imply no afterlife perspective, preferring mundane relations, they can help promote the needed moral and “pro-Christian” mindset.

The ROC believes that, historically, both religious and secular law originated from one source, and, therefore, a certain convergence between some norms of canon and secular law in the countries of the canonic territory of the ROC is a logical aspiration. The ROC’s ideal is the identity of both legal systems, albeit there exists no immanent possibility for it. Besides, between the transcendent Kingdom and the immanent “world lying in the [power of the] evil one,” the

ROC clergy might occasionally pursue their own mundane interests, although this is to be viewed as an abuse of power going against the grain of the afterlife strategy.

That notwithstanding, universalism, understood in territorial terms, causes some Church concerns, and therefore receives a logical continuation in the document dedicated to the problem of proselytism, which has to do with the canonic territory. The concept of canonic territory is a recent innovation of the ROC. In fact, apart from outlining the ecclesiastical approach to immanent Church boundaries, its main task is to deal with attempts of other Christian communities to convert the existing and potential Russian Orthodox believers. The basis for such a position the ROC finds in the Epistle to Romans (Rom 15: 20), in which Paul elaborates on avoiding “building on another’s foundation.” First and foremost, it pertains to the Ecumenical Patriarchate in Istanbul and its attempts to play the first fiddle in the Orthodox world exploiting the image of the long-disappeared Byzantium. Nevertheless, the ROC deems it important to apply the concept of canonic territory to non-Orthodox Christian communities, too, pointing to the ancient canons. In so doing, the ROC acknowledges their “catholic” affiliation at least to a certain extent, although in pure theory the ROC states that only Orthodoxy is καθολικὴ ἐκκλησία. This obvious discrepancy between theory and practice, leading to appearance of a new ecclesiology, is a feature of modern thinking of the ROC leadership.

The ROC does not use the standard ancient wording “shall be excommunicated” or “shall be defrocked” outside the context of the ancient canons. However, it is clear that the modern canonic terms “unacceptable” or “inadmissible” do not convey the same amount of disciplinary authority. They soften the Church rhetoric and present it rather as something not mandatory or not serious enough, as something that is written rather as a recommendation. This practice raises a theoretical question as to the specifics of law in general. If there is no explicit and effective punishment procedure connected with law enforcement, does law count as law? The ancient canons tend to include punishment as a precondition of law enforcement. The modern Moscow Patriarchate, on the contrary, tends to eliminate it by politically correct rhetoric. Only in some cases, it dares to bring up the approach of the pre-modern provisions.

In her post-Soviet canon law, the ROC comes out as a confident public actor. Researched through the paradigms of multiple modernities and post-secularity, the Church appears to be quite modern: she reflects on herself and the secular environment, employs secular language as her own, appeals to public reason, the human rights discourse, and achievements of modern science. Besides,

she is a nation Church in Russia. The fact that she rejects some liberal Western developments should not be understood in the way that the ROC rejects modernity in general. The otherness of the Orthodox approach logically creates certain boundaries. Nevertheless, the ROC considers herself a legitimate player in the public sphere and puts forward her own – Russian Orthodox – model of modernity, which combines transcendence and immanence, theological and social reasoning, an afterlife strategy and cooperation with secular partners.

In the Soviet Union, religion was squeezed out from the public space into the private sphere. At the same time, the ROC and the Soviet state gradually managed to come to terms with mutual coexistence and cooperation. Since 1943, the ROC and the Soviet government kept a certain balance of interests, cooperating mainly within the frame of the foreign threat to the USSR. In post-Soviet society, the ROC seeks to be an important public actor no longer restricted by the erstwhile role of a “private” spiritual advisor. As a result, her canon law reflects on a wide spectrum of modern issues.

The Church interaction with state and society, as well as her engagement with the HRD between 2000 (adoption of the *Concept*) and the present time has become more comprehensive and less mistrustful. Although Agadjanian believes that the modern Orthodox response to the human rights discourse seeks “not so much a part in an inclusive consensus but *the right to remain a different community* and to be accepted *as such* in the dominant normative and semantic order” (Agadjanian 2014: 173), my understanding of the external activities of the ROC is that the Church does not specifically look for a way to be different, but to remain herself in the face of modern challenges (cf. Selbach 2002: 171), that is, how the incumbent ROC leaders interpret this particular “herself.” In so doing, however, they sometimes suggest interpretations that complicate the matter.

Russia should be baptized anew. Strange as it may be, the ROC demonstrated a certain understanding of the problem. For instance, in the document on her missionary activities, she admits the fact that in the post-Soviet time the ROC faced the need for a “second baptism,” and that the scope of this baptism can be defined as “unprecedented” (Missiia 2014: 371). However, the ROC establishment prefers putting an “unbearable burden” (Mt 23: 4) upon Russians, many of whom have a vague idea of who Jesus Christ is. Instead of the joyful idea of resurrection, the ROC prefers stories about “great Russian history,” (that are in order if told by the state), whereas this history hardly “belongs” to the modern people, since, after the cataclysms and perturbations of the 20th century, there is hardly any lore naturally passed from one generation to another. Modern Russians can rather hope for some knowledge of the past gained from academic research,

and it is this “new knowledge” that causes rifts and divisions within the Russian Federation and other involved societies.

As “the visible religion,” the ROC under Patriarch Kirill likes to preach the “Russian Ecumene,” instead of Christ for this Ecumene; “Orthodox culture,” instead of the Glad Tidings; and praise the powers that be, instead of being their moral judgment. The problem of the ROC, as well as of some other LOCs, despite encompassing many a country as their canonic territory, is that they have become too “nation Orthodox,” whereas they should be a little more “supranational Christian.”

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The Visible Religion is an antithesis to Thomas Luckmann's concept. The Russian Orthodox Church in post-Soviet canon law suggests a comprehensive cultural program of modernity. Researched through the paradigms of multiple modernities and post-secularity, the ROC appears to be quite modern: she reflects on herself and the secular environment, employs secular language, appeals to public reason, the human rights discourse, and achievements of modern science. The fact that the ROC rejects some liberal Western developments should not be understood in the way that the ROC rejects modernity in general. As a legitimate player in the public sphere, the ROC puts forward her own – Russian Orthodox – model of modernity, which combines transcendence and immanence, theological and social reasoning, an afterlife strategy and cooperation with secular actors, whereby eschatology and the human rights discourse become two sides of the same coin.

Alexander Ponomariov researches religion (Orthodox Christianity) and politics in Russia and Eastern Europe. He studied Orthodox theology in Moscow and earned his Ph.D. degree at the University of Passau in Germany. His academic interests also include translingual Bible criticism and Semitic languages.